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Contents

Federal Register

Vol. 56, No. 163

Thursday, August 22, 1991

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Executive Orders:
12772.....41621

8 CFR
214.....41623

9 CFR
92.....41726

10 CFR
Proposed Rules:
Ch. I.....41633

12 CFR
19.....41726

14 CFR
25.....41626
29.....41626
33.....41626
Proposed Rules:
71 (2 documents).....41633, 41634

17 CFR
Proposed Rules:
240.....41635
270.....41635

40 CFR
271.....41626
272.....41626

42 CFR
405.....41726

48 CFR
Ch. I.....41728
2 (2 documents).....41729, 41744
3.....41729
4.....41744
5 (2 documents).....41730, 41744
7.....41744
8.....41744
12 (2 documents).....41731, 41744
13.....41730
14.....41732
15 (2 documents).....41732, 41734
19.....41730
20.....41735
25.....41735
26.....41736
30.....41744
31 (2 documents).....41738, 41739
43.....41744
45.....41740
50.....41740
52 (6 documents).....41729, 41731–41734, 41736, 41744
53.....41741

50 CFR
228.....41628
661.....41631
Proposed Rules:
685.....41643

Federal Register
Vol. 56, No. 163
Thursday, August 22, 1991

Presidential Documents

Title 3—

The President

Executive Order 12772 of August 17, 1991

Waiver Under the Trade Act of 1974 With Respect to Romania

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 402(c)(2) of the Trade Act of 1974, as amended ("Act") (19 U.S.C. 2432(c)(2)), which continues to apply to Romania pursuant to section 402(d), and having made the report to the Congress required by section 402(c)(2) of the Act, I hereby waive the application of sections 402(a) and 402(b) of the Act with respect to Romania.

THE WHITE HOUSE,
August 17, 1991.

[FR Doc. 91-20315
Filed 8-20-91; 3:38 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 56, No. 163
Thursday, August 22, 1991

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

[INS No. 1402-91]

Nonimmigrant Classes; International Cultural Exchange Visitors, Q Classification

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This rule establishes an international cultural exchange visitor program in accordance with section 101(a)(15)(Q) of the Immigration and Nationality Act (Act), as amended by the Immigration Act of 1990. Under the proposed program, a qualified employer may petition to the Immigration and Naturalization Service (Service) for approval to bring in a nonimmigrant alien in Q classification, for a duration not to exceed fifteen (15) months, to engage in pre-arranged employment or training and to share his or her own culture with the Americans. The international cultural exchange program would enhance the American people's knowledge and appreciation of different world cultures.

DATES: This interim rule is effective October 1, 1991. Written comments must be received no later than September 23, 1991.

ADDRESSES: Please submit written comments in triplicate, to the Records Systems Division, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street NW., room 5304, Washington, DC 20536. Please include INS number 1402-91, on the mailing envelope to ensure proper and timely handling.

FOR FURTHER INFORMATION CONTACT: Pearl B. Chang, Senior Immigration Examiner, Immigration and Naturalization Service, 425 I Street, NW., room 7122, Washington, DC 20536, telephone: (202) 514-3241.

SUPPLEMENTARY INFORMATION:

Background

Section 208 of the Immigration Act of 1990 (IMMACT), Public Law 101-649, November 29, 1990, amended the Immigration and Nationality Act to create a new nonimmigrant status. Under this new provision, nonimmigrant aliens may come to the United States for a period not to exceed 15 months to participate in international cultural exchange programs. The Attorney General shall designate cultural exchange programs for the purposes of providing practical training, employment, and the sharing of the culture of the alien's home country. The statute also requires that designated qualified employers accord an international cultural exchange visitor the same wages and working conditions as domestic workers similarly employed. An international cultural exchange program must have structured public activities with specific culture-sharing goals, and the employment aspect of the program must be ancillary to the cultural objectives.

Interim Rule

This rule is designed to establish the requirements and procedures for the implementation of the international cultural exchange program as provided by section 101(a)(15)(Q) of the Act. A qualified employer seeking to bring in aliens as international cultural exchange visitors must demonstrate through the petition process that the sharing of the culture of the alien's home country will result from the alien's employment or training in this country. Documentation of cultural benefits to the international cultural exchange visitors is not required since they will be exposed to the American culture and way of life through their employment or training in the United States.

1. The Petition Process

The Service will approve or designate international cultural exchange programs for the duration of the program or 15 months, whichever is shorter. The qualified employer must file a petition on Form I-129, Petition for Nonimmigrant Workers, with the applicable fee, with the INS service center having jurisdiction over the area where the alien will perform services or labor, or receive training. A new petition on Form I-129, with the applicable fee, must be filed with the appropriate Service director each time a qualified employer wants to bring in international cultural exchange visitors. The qualified employer may substitute or replace a name on a previously approved petition for the remainder of the program without filing a new Form I-129.

The qualified employer must petition concurrently (on the same Form I-129) for approval of the international cultural exchange program and the international cultural exchange visitors. The petition for Q nonimmigrant workers will be considered only if the employer's concurrent petition for the international cultural exchange program is approved.

2. Requirements for the Employer and the Alien Participants

The qualified employer must show that it has the ability to conduct a responsible international cultural exchange program and remunerate the participants. Therefore, the employer is required to document, among other things, that it has conducted business in the United States for the past two years and employs at least five full-time United States resident workers. Also, to safeguard against potential exploitation of minor workers, the alien participants in an international cultural exchange program must be at least 18 years of age. Each alien participant is also expected to be able to communicate effectively about the cultural attributes of his or her country of nationality.

It should be noted that section 101(a)(15)(Q) does not provide for the admission of the spouse or children of a participant in derivative Q status.

The Service's implementation of this rule as an interim rule, with provision for post-promulgation public comment, is based upon the "good cause" exception found at 5 U.S.C. 553(d). The reasons and the necessity for immediate implementation of this interim rule are as follows: The "Q" visa provisions in Public Law 101-649 take effect on October 1, 1991. The Service is compelled to have in place a set of implementing regulations for the "Q" visa classification before the effective date.

In accordance with 5 U.S.C. 605(b), the Commissioner of the Immigration and Naturalization Service certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule is not a major rule within the meaning of section 1(b) of E.O. 12291, nor does this rule have Federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612.

The information collection requirement contained in this regulation has been submitted to the Office of Management and Budget (OMB) for review and approval under the provisions of the Paperwork Reduction Act.

List of Subjects in 8 CFR Part 214

Administrative practice and procedure, Aliens, Authority delegation, Employment.

Accordingly, part 214 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 214—NONIMMIGRANT CLASSES

1. The authority citation for part 214 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1184, 1186a, 1187, and 8 CFR part 2.

2. Section 214.2 is amended by adding a new paragraph (q) to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(q) *International cultural exchange aliens.*—(1) *Definitions.* As used in this section:

Country of nationality means the country of which the participant was a national at the time the alien applied for international cultural exchange visitor status.

Doing business means the regular, systematic, and continuous provision of goods and/or services by a qualified employer which has employees and does not include the mere presence of an agent or office of the qualifying employment.

International cultural exchange visitor or participant means an alien having a residence in a foreign country which he or she has no intention of abandoning who is coming temporarily to the United States to take part in an international cultural exchange program approved by the Attorney General.

Petitioner means the employer or its designated agent who has been employed by the qualified employer on a permanent basis in an executive or managerial capacity for the prior year. The designated agent must be a United States citizen, an alien lawfully admitted for permanent residence, or an alien provided temporary residence status under sections 210 or 245A of the Act.

Qualified employer means a United States or foreign firm, corporation, or other legal business entity including its U.S. branches, subsidiaries, affiliates, and franchises, which administers an international cultural exchange program designated by the Attorney General in accordance with the provisions of section 101(a)(15)(Q) of the Act.

(2) *Admission of international cultural exchange aliens.*—(i) *General.* Section 101(a)(15)(Q) of the Act provides that a nonimmigrant alien may be authorized to enter the United States as a participant in an international cultural exchange visitor program approved by the Attorney General for the purpose of providing practical training, employment, and the sharing of the history, culture, and traditions of the country of the alien's nationality. The period of admission is the duration of the approved international cultural exchange program or fifteen (15) months, whichever is shorter. A nonimmigrant alien admitted under this provision is classifiable as an international cultural exchange visitor in Q status.

(ii) *Limitation on admission.* Any alien who has spent fifteen (15) months in the United States under section 101(a)(15)(Q) of the Act shall not be readmitted in Q status unless the alien has resided and been physically present outside the United States for the immediate prior year. Brief trips to the United States for pleasure or business during the immediate prior year do not break the continuity of the one-year foreign residency.

(3) *International cultural exchange program.*—(i) *General.* A United States employer shall petition to the Attorney General on Form I–129, Petition for Nonimmigrant Workers, for approval of an international cultural exchange program which is designed to provide an opportunity for the American public to learn about foreign cultures. The United States employer must petition on the same Form I–129 for the authorization for one or more individually identified nonimmigrant aliens to be admitted in Q status. These aliens are here to engage in employment or training in which the essential element must be the sharing with the American public of the culture of the alien's country of nationality. The petition for Q nonimmigrant aliens will be considered only if the employer's petition for program approval is granted.

(ii) *Program validity.* Each petition for an international cultural exchange program will be approved for the duration of the program, which may not exceed 15 months, plus 30 days to allow time for the participants to make travel arrangements. Subsequent to the approval of the initial petition, a new petition must be filed each time the qualified employer wishes to bring in additional international cultural exchange visitors. A qualified employer may replace or substitute a participant named on a previously approved petition for the remainder of the program in accordance with paragraph (q)(6) of this section. The replacement or substituting alien may be admitted in Q status until the expiration date of the approved petition.

(iii) *Requirements for program approval.* To be considered for approval, an international cultural exchange program must meet all of the following requirements:

(A) *Interaction with the American public.* The culture sharing must take place in a school, museum, business or other establishment where the public is exposed to aspects of a foreign culture as part of a structured program. Activities that take place in a private home or an isolated business setting to which the public does not have direct access do not qualify.

(B) *Cultural component.* The international cultural exchange program must have a cultural component which is an essential and integral part of the Q nonimmigrant alien's employment or training. The cultural component must be designed, on the whole, to exhibit or explain the attitude, customs, history, heritage, philosophy, or traditions of the alien's country of nationality. Structured instructional activities, such as courses or lecture series, which have the effect of improving the American public's knowledge about the arts, literature, history, language, or traditions of the Q nonimmigrant alien's country of nationality are deemed acceptable cultural components.

(C) *Work component.* The Q nonimmigrant alien's employment or training in the United States may not be independent of the cultural component of the international cultural exchange program. The work component must serve as the vehicle to achieve the objectives of the cultural component. The sharing of the culture of the Q nonimmigrant alien's country of nationality must result from his or her employment or training with the qualified employer in the United States.

(iv) *Requirements for alien participants.* To be eligible for international cultural exchange visitor

status, an alien must be a bona fide nonimmigrant who:

(A) Is at least 18 years of age at the time the petition is filed;

(B) Is qualified to perform the service or labor or receive the type of training stated in the petition;

(C) Has the ability to communicate effectively about the cultural attributes of his or her country of nationality to the American public; and

(D) Has resided and been physically present outside of the United States for the immediate prior year, if he or she was previously admitted as a Q nonimmigrant.

(4) *Supporting documentation*—(i) *Documentation by the employer.* To establish eligibility as a qualified employer, the petitioner must submit with the completed Form I–129 appropriate supporting documentation evidencing that the employer:

(A) Maintains an established international cultural exchange program in accordance with requirements set forth in paragraph (q)(3) of this section;

(B) Has designated a qualified employee as a representative who will be responsible for administering the international cultural exchange program and serve as liaison with the Immigration and Naturalization Service;

(C) Has been doing business in the United States for the past two years;

(D) Will offer the alien(s) wages and working conditions comparable to those accorded local domestic workers similarly employed;

(E) Currently employs and will continue to employ at least five full-time United States resident workers; and

(F) Has demonstrated financial ability to remunerate the participant(s).

(ii) *Documentation demonstrating cultural benefit(s).* The petitioner must demonstrate that the cultural component of this program is an essential and integral part of the service performed or the training received by the participant. While this part of the international cultural exchange program is intended to be flexible, the petitioner is required to submit appropriate documentation to show:

(A) That the cultural component is designed to give an overview of the attitude, customs, history, heritage, philosophy, tradition, or other cultural attributes of the participant's home country;

(B) That the cultural component is an essential and integral part of the participant's employment or training;

(C) That the participant's employment or training takes place in a public setting where the sharing of the culture of his or her country of nationality can be achieved through his or her direct interaction with the American public; and

(D) That the American public will derive an obvious cultural benefit from the program.

(iii) *Certification by petitioner.* (A) The petitioner must give the date of birth, country of nationality, level of education, position title, and a brief job description for each participant included in the petition. The petitioner must verify and certify that the prospective participants are qualified to perform the service or labor, or receive the type of training described in the petition.

(B) The petitioner must state the participants' wages and certify that the aliens are offered prevailing wages and working conditions comparable to those accorded to local domestic workers similarly employed.

(5) *Filing of petitions.* (i) *General.* A United States employer seeking to bring in aliens as international cultural exchange visitors must file a petition on Form I–129, Petition for Nonimmigrant Workers, with the applicable fee, along with appropriate documentation in duplicate with the service center having jurisdiction over the area where the aliens will perform services, labor, or receive training. A new petition on Form I–129, with the applicable fee, must be filed with the appropriate Service director each time a qualified employer wants to bring in additional international cultural exchange visitors.

(ii) *Petition for multiple participants.* The petitioner may include more than one participant on the petition. The petitioner shall include the name, date of birth, nationality, and other identifying information required on the petition for each participant. If the participants will be applying for visas at more than one consulate, the petitioner shall submit a separate petition for each consulate. If the participants are visa-exempt pursuant to 8 CFR 212.1(a) and will be applying for admission at more than one port of entry, the petitioner shall submit a separate petition for each port of entry.

(iii) *Service, labor, or training in more than one location.* A petition which requires the Q nonimmigrant alien to engage in employment or training (with the same employer) in more than one location must include an itinerary with the dates and locations of the services, labor or training.

(iv) *Services, labor, or training for more than one employer.* If the alien will perform services or labor for, or receives training from more than one employer, each employer must file a separate petition with the service center having jurisdiction over the area where the alien will perform services, labor, or receive training. The alien may work part-time for multiple employers provided that each employer has an approved petition for the alien.

(v) *Change of employers.* If an alien is in the United States under section 101(a)(15)(Q) of the Act and decides to change employers, the new employer must file a petition. However, the total period of time the Q nonimmigrant alien may stay in the United States remains limited to fifteen (15) months.

(6) *Substitution or replacement of participants.* The petitioner may substitute or replace a name on a previously approved petition for the remainder of the program without filing a new Form I–129. The substituting participants must meet the qualification requirements prescribed in paragraph (q)(3)(iv) of this section. To request substitution or replacement, the petitioner shall, by letter, notify the consular office at which the alien will apply for a visa or, in the case of visa-exempt aliens, the port of entry where the alien will apply for admission. A copy of the petition's approval notice must be included with the letter. The petitioner must state the date of birth, country of nationality, level of education, position title of each prospective participant and certify that they are qualified to perform the service, labor or receive the type of training described in the approved petition. The petitioner must also indicate the alien's wages and certify that the aliens are offered prevailing wages and working conditions in accordance with paragraph (q)(11)(ii) of this section.

(7) *Approval of petition.* (i) The director shall consider all the evidence submitted and request other evidence as he or she may deem necessary.

(ii) The director shall notify the petitioner of the approval of a petition. The notice of approval shall include the name(s) of the participants, their classification, and the petition's period of validity.

(iii) An approved petition for an alien classified under section 101(a)(15)(Q) of the Act is valid for the length of the approved program or fifteen (15) months, whichever is shorter.

(iv) A petition shall not be approved for an alien who has an aggregate of fifteen (15) months in the United States under section 101(a)(15)(Q) of the Act, unless the alien has resided and been physically present outside the United States for the immediate prior year.

(8) *Denial of the petition.*—(i) *Notice of denial.* The petitioner shall be notified of the decision, the reasons for the denial, and the right to appeal the denial under part 103 of this chapter.

(ii) *Multiple participants.* A petition for multiple participants may be denied in whole or in part.

(9) *Revocation of approval of petition*—(i) *General.* The petitioner shall immediately notify the Service of any changes in the employment of a participant which would affect eligibility under paragraph (q) of this section.

(ii) *Automatic revocation.* The approval of any petition is automatically revoked if the qualifying employer goes out of business, files a written withdrawal of the petition, or terminates the approved international cultural exchange program prior to its expiration date.

(iii) *Revocation on notice.* The director shall send the petitioner a notice of intent to revoke the petition in whole or in part if he or she finds that:

(A) The participant is no longer employed by the petitioner in the capacity specified in the petition, or if the participant is no longer receiving training as specified in the petition;

(B) The statement of facts contained in the petition was not true and correct;

(C) The petitioner violated terms and conditions of the approved petition;

(D) The approval of the petition violated paragraph (q) of this section or involved gross error.

(iv) *Notice and decision.* The notice of intent to revoke shall contain a detailed statement of the grounds for the revocation and the time period allowed for the petitioner's rebuttal. The petitioner may submit evidence in rebuttal within 30 days of receipt of the notice. The director shall consider all relevant evidence presented in deciding whether to revoke the petition in whole or in part. If the petition is revoked in part, the remainder of the petition shall remain approved and a revised approval notice shall be sent to the petitioner with the revocation notice.

(v) *Appeal of a revocation of a petition.* A petition that has been revoked on notice in whole or in part may be appealed to the Associate Commissioner for Examinations under Part 103 of this chapter. Automatic revocation may not be appealed.

(10) *Extension of stay.* An alien's total period of stay in the United States under section 101(a)(15)(Q) cannot exceed fifteen (15) months. The authorized stay of an alien in Q status may be extended within the 15-month limit if he or she is the beneficiary of a new petition filed in accordance with paragraph (q)(3) of this section. The new petition, if filed by the same employer, should include a copy of the previous petition's approval notice and a letter from the petitioner indicating any terms and conditions of the previous petition that have changed.

(11) *Employment provisions*—(i) *General.* An alien classified under section 101(a)(15)(Q) of the Act may be employed only by the qualified employer through which the alien attained the status, as a condition of his or her admission, or subsequent change to such classification. An alien in this class is not required to apply for an employment authorization document. Employment outside the specific program is in violation of the alien's Q nonimmigrant status within the meaning of section 241(a)(1)(C)(i) of the Act.

(ii) *Wages and working conditions.* The wages and working conditions of participants classified under section 101(a)(15)(Q) must be comparable to those accorded to local domestic workers similarly employed in the geographical area of the alien's employment. A statement by the employer certifying that such conditions are met must be attached to the petition on Form I–129 as required by paragraph (q)(4)(ii) of this section.

Dated: August 16, 1991.

Gene McNary,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 91–20085 Filed 8–21–91; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 25, 29, and 33

Airworthiness Standards: Transport Category Airplanes, Rotorcraft; and Aircraft Engines

CFR Correction

In title 14 of the Code of Federal Regulations, parts 1 to 59, revised as of January 1, 1991, the following changes should be made.

1. On page 309, in § 25.351(b), the first equation should have read:

§ 25.351 Yawing conditions.

* * * * *

(b) * * *

$$L_t = \frac{K_{gt} U_{de} V_{at} S_t}{498}$$

* * * * *

§ 29.629 [Corrected]

2. On page 571, in the second column, in the first line of § 29.629, the word "aeronautical" should have read "aerodynamic".

§ 33.1 [Corrected]

3. On page 660, in the first column, in § 33.1, the second paragraph (b) should be removed.

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 271 and 272

[FRL–3986–9]

Texas; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Texas has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed the Texas application and has made a decision, subject to public review and comment, that the Texas hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve the Texas hazardous waste program revisions, subject to the authority retained by EPA in accordance with the Hazardous and Solid Waste Amendments for 1984. The Texas application for program revision is available for public review and comment.

DATES: Final authorization for Texas shall be effective on October 21, 1991 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on the Texas program revision application must be received by the close of business September 21, 1991.

ADDRESSES: Copies of the Texas program revision application and the

materials which EPA used in evaluating the revision are available from 8:30 a.m. to 4 p.m., Monday through Friday at the following addresses for inspection and copying: Texas Water Commission, Library, Fifth Floor, Stephen F Austin State Office Building, 1700 North Congress, Austin, Texas 78711, phone (512) 463–7834; U.S. EPA, Region 6, Library, 12th floor, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, phone (214) 655–6444; and U.S. EPA, Headquarters, Library, PM 211A, 401 M Street SW., Washington, DC 20460. Written comments, referring to Docket Number TX–91–1, should be sent to the Texas Project Officer, Grants and Authorization Section (6H–HS), RCRA Programs Branch, U.S. EPA, Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, phone (214) 655–6760.

FOR FURTHER INFORMATION CONTACT: Dick Thomas, Grants and Authorization Section, RCRA Programs Branch, U.S. EPA, Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas, 75202, phone (214) 655–6760.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA or the Act"), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Public Law 98–616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under section 2006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260–266, 268 and 124 and 270.

B. Texas

Texas initially received final authorization on December 12, 1984, effective December 26, 1984 (see 49 FR 48300), and clarified on March 26, 1985 (see 50 FR 11858), to implement its base hazardous waste management program. Texas received authorization for revisions to its program in notices published in the **Federal Register** on January 31, 1986, effective October 4, 1985 (see 51 FR 3952), on December 18, 1986, effective February 17, 1987 (see 51 FR 45320), on March 1, 1990, effective March 15, 1990 (see 55 FR 7318), and on May 24, 1990, effective July 23, 1990 (see 55 FR 21383). On January 18, 1991, Texas submitted a program revision application for additional program approvals. Today, Texas in seeking approval of its program revision in accordance with section 271.21(b)(3).

EPA has reviewed the Texas application, and has made an immediate final decision that Texas' hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Texas. The public may submit written comments on EPA's final decision up until September 21 1991. Copies of the Texas application for program revision are available for inspection and copying at the locations indicated in the "Addresses" section of this notice.

Approval of the Texas program revision shall become effective in 60 days unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received, EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

The Texas program revision application includes State regulatory changes that are equivalent to the rules promulgated in the Federal RCRA implementing regulations in 40 CFR parts 261, 264, 265, and 268, that were published in the **Federal Register** through August 2, 1990. This proposed approval includes, therefore, only the provisions that are listed in the chart below. This chart lists the State analogs that are being recognized as equivalent to the appropriate Federal requirements. The Texas Solid Waste Disposal Act and the Texas Administrative Code cited below refer to the revisions effective through September 1, 1989, and July 16, 1991, respectively.

Federal citation	State analog
Toxicity Characteristics Revisions, March 29, 1990 [55 FR 11798–11877] as amended on June 29, 1990 [55 FR 26986–26998] and on August 2, 1990, [55 FR 31387–31390].	Texas Solid Waste Disposal Act; Texas Health and Safety Code Annotated §§ 361.017, 361.024, 361.003(11), 361.003(27), (Vernon Supplement 1991), as amended, effective September 1, 1989. Texas Water Code, §§ 5.103, 5.105, 26.011, Texas Water Code Annotated (Vernon 1990), as amended, effective September 1, 1985.. Title 31 Texas Administrative Code (TAC) § 335.1, as amended, effective August 1, 1990; Title 31 TAC § 335.29(2), as amended, effective March 18, 1991; Title 31 TAC § 335.168(e), as amended, effective March 18, 1991; Title 31 TAC § 335.173(e), as amended, effective March 18, 1991; Title 31 TAC § 335.112(a)(10), as amended, effective March 18, 1991; Title 31 TAC § 335.112(a)(12), as amended, effective March 18, 1991; Title 31 TAC § 335.112(a)(13), as amended, effective July 16, 1991; Title 31 TAC § 335.431(c), as amended, effective July 16, 1991..

C. Decision

I conclude that the Texas application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Texas is granted final authorization to operate its hazardous waste program as revised.

Texas now has responsibility for permitting treatment, storage, and disposal facilities within its borders and implementing the aspects of the RCRA program described in its revised program application, subject to the limitations of the HSWA. Texas also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under section 3008, 3013 and 7003 of RCRA.

D. Codification in Part 272

EPA uses part 272 for codification of the decision to authorize the Texas program and for incorporation by reference of those provisions of the Texas statutes and regulations that EPA will enforce under section 3008, 3013 and 7003 of RCRA. EPA is reserving amending part 272, subpart SS, until a later date.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of the Texas program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Parts 271 and 272

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Robert E. Layton Jr.,

Regional Administrator.

[FR Doc. 91-20119 Filed 8-21-91; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 228

[Docket No. 901240-1176]

RIN 0648-AD48

Incidental Take of Marine Mammals

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NMFS is issuing regulations that would allow the unintentional, non-lethal, harassment of specified species of marine mammals incidental to launches of the Titan IV space vehicle from Vandenberg Air Force Base, California, over the next 5 years. The marine mammals are the Guadalupe fur seal, Steller sea lion, harbor seal, northern elephant seal, northern fur seal and California sea lion. The Marine Mammal Protection Act (MMPA) allows the incidental, but not intentional, harassment of marine mammals if certain conditions are met.

EFFECTIVE DATE: This rule will be effective beginning September 23, 1991, through September 23, 1996.

ADDRESSES: Dr. Nancy Foster, Director, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910. Send information on the collection of information burden estimate to the Office of Information and Regulatory Affairs, Project (0648-0151), Office of Management and Budget, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Margaret C. Lorenz, Protected Species Management Division, Office of Protected Resources, NMFS, 301-427-2322, or James Lecky, Southwest Region, NMFS, 214-514-6664.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5) of MMPA requires the Secretary of Commerce (Secretary) to allow, on request by U.S. citizens engaged in a specified activity (other than commercial fishing) in a specified geographical region, the incidental, but not intentional, taking of small numbers of marine mammals if certain conditions are met. Under the MMPA, the term "take" means to harass, hunt, capture or kill. Permission may be granted for a period of 5 years or less.

Taking is allowed only if the Secretary, after notice and opportunity for public comment, finds that the total taking will have a "negligible impact" on the species or stocks and will not have an "unmitigable adverse impact" on the availability of the species or stock for subsistence uses. In addition, the Secretary must issue regulations that include permissible methods of taking and other means of effecting the least practicable adverse impact on the species and its habitat, paying particular attention to rookeries, mating grounds and areas of similar significance, and on the availability of the species for subsistence uses. The regulations must include requirements for monitoring the incidental take and reporting of such taking.

In 1986, both the MMPA and the Endangered Species Act (ESA) were amended to allow incidental takings of depleted, endangered or threatened marine mammals. Previously, only the incidental take of non-depleted marine mammals could be allowed under this exemption to the MMPA. Three of the species involved in this rule, the Guadalupe fur seal, the Steller sea lion, and the Pribilof Islands stock of the northern fur seal are depleted species under the MMPA.

General regulations that govern small take of marine mammals incidental to specified activities appear in subpart A, 50 CFR part 228.

Summary of Request

On June 10, 1990, NMFS received a request from the Department of the Air Force for a take of six species of seals and sea lions incidental to launches of its Titan IV space vehicle program. The Air Force described the Titan IV program as a continuation of an existing launch program at Vandenberg using modified and upgraded Titan 34D missiles. Sonic booms from the expendable unmanned space launch vehicle may become "focused" within a narrow band under the flight path. Focused sonic booms occur when the space vehicle curves toward the horizontal, and its sonic boom is focused into a narrow zone of particularly high sound pressure. Although the most likely sound level that will result from a focused sonic boom produced by launching the Titan IV is 110 decibels (dB), it is possible that the focused sonic boom could produce a sound level as high as 147 decibels or 10 pounds per square foot (psf). A sonic boom at this level (147 dB) may cause auditory damage and startle responses in animals.

Space vehicles at Vandenberg are launched into polar orbit. During the ascent of the launch of the Titan IV space vehicle from Vandenberg, it may pass over the Northern Channel Islands which are inhabited by the six species of seals and sea lions named in the request for an incidental take. Of the Channel Islands, San Miguel is the most likely to receive a focused sonic boom. However, not all launches of the Titan IV space vehicle will produce focused sonic booms over the island. If the launch azimuth is greater than 180 degrees, the focused sonic boom bill occur over open water. While specific dates and trajectories are classified, two launches are planned each year for the next 5 years.

The Air Force believes that a "taking" may occur because of infrequent, incidental and unintentional harassment. The primary concerns are that the focused sonic booms will cause the animals to stampede and pups will be trampled or separated from their mothers, or the animals' hearing may be affected.

In consultation with NMFS, the Air Force developed a plan to monitor the

effects of the launches on the seals and sea lions on San Miguel Island. The results of the monitoring will be used to determine whether changes need to be made in the regulations, and to verify that the impacts on marine mammals are negligible as NMFS has determined.

On July 30, 1990 (55 FR 30943), NMFS published a notice of the receipt of request for rulemaking from the Air Force and a request for information. On January 16, 1991 (56 FR 1606), NMFS published proposed regulations that would allow the unintentional harassment of marine mammals incidental to launches of the Titan IV space vehicle.

ESA Section 7 Consultation

The Department of the Air Force consulted with NMFS, as required by section 7 of the ESA, on whether the proposed launches and returns of the Titan II and Titan IV Launch Operations at Space Launch Complex 4 (SLC4), Vandenberg Air Force Base (Vandenberg), California, would jeopardize the continued existence of species listed as threatened or endangered. NMFS issued a section 7 biological opinion on this activity to the Air Force on October 31, 1988. At that time, only the Guadalupe fur seal was a species listed as threatened or endangered under the ESA, and NMFS determined that the project would not likely jeopardize the continued existence of the species. The Air Force reinitiated consultation with NMFS after the northern (Steller) sea lion was added to the list of threatened and endangered species (November 26, 1990, 55 FR 49204), and NMFS will issue a new biological opinion concurrent with this rulemaking. In addition, because the issuance of this incidental take authorization is a Federal action that is subject to section 7 of the ESA, NMFS is issuing a separate biological opinion on the rulemaking. Copies of the biological opinions are available on request (see **ADDRESSES**).

Summary of Final Rule

The final rule allows and governs the incidental taking of six species of seals and sea lions when the Titan IV space vehicle is launched by the U.S. Air Force from Vandenberg. These regulations are based on findings that (1) space vehicle launches from Vandenberg over the Northern Channel Islands off the coast of California over the next 5 years may involve the incidental and unintentional taking by harassment of California sea lions, Steller (northern) sea lions, northern elephant seals, harbor seals, northern fur seals, and Guadalupe fur seals and (2) the total of such taking during the 5-year period will have a negligible impact on the species and on their habitat and will not have an unmitigable adverse impact on the availability of these species for subsistence uses.

Although two of the northern ranging species of pinnipeds on the Channel Islands, the northern fur seal and the harbor seal, are taken for subsistence in Alaska, an incidental take from the populations on San Miguel would not reduce the availability of these species for subsistence in Alaska.

The regulations apply only to Titan IV space vehicle launches from Space Launch Complex 4 and associated activities over the Northern Channel Islands off the coast of southern California over the next 5 years.

With publication of this final rule, NMFS will issue the Air Force a Letter of Authorization over the 5-year period these regulations are in effect will be subject to public comment unless NMFS determines that an emergency exists that necessitates immediate action. Under the regulations, the Air Force must cooperate with NMFS and any other Federal, state or local agency monitoring the impacts of the space shuttle launches on these species. Under the regulations, the Air Force will monitor, at a minimum, the first two launches that produce a focused sonic boom over the islands. At its discretion, NMFS may place observers on San Miguel Island to monitor the impacts of the launches. In addition, the Air Force must submit a report to NMFS within 90 days after all launches that are monitored.

Response to Comments on Proposed Rule

Comments were received from 3 groups and 1 individual.

Comment: What constitutes an acceptable level of disturbance to the marine mammals on San Miguel Island? NMFS uses the term "negligible impact" and the Air Force uses the phrase "extremely adverse or catastrophic impact" to determine whether NMFS would require mitigating measures such as seasonal restrictions or withdraw or suspend the permission to take marine mammals.

Response: The final regulations state that permission has been granted only for non-lethal unintentional harassment of marine mammals, and the granting of this exemption to the MMPA is based on a determination that the effects will be no more than "negligible." If there is information indicating that the launches are having more than a "negligible impact" on these animals, NMFS will either add mitigating measures to the authorization or withdraw or suspend the authority to take.

Comment: NMFS should determine whether the planned monitoring program proposed by the Air Force is sufficient to verify the predicted effects of focused sonic booms on marine mammals. Also, criteria for monitoring need to be structured around population parameters and behaviors. Monitoring should be continuous, not just restricted to one or two launches. Also, the cumulative effects of the Titan IV launches in conjunction with the existing background of sonic booms and other naval activities around San Miguel Island may be significant.

Response: The Air Force submitted a monitoring plan which NMFS believes is sufficient to verify the predicted effects of focused sonic booms. Monitoring will take place on San Miguel Island before, during and after at least the first two launches that produce focused sonic booms over San Miguel Island. The Air Force has contacted to have at least four launches monitored. Also, since not every launch monitored will produce a focused sonic boom over the island, NMFS will be able to compare the effects of launches that produce focused sonic booms with those that do not. The monitoring program was implemented for a March 8, 1991, launch which did not produce a focused sonic boom over San Miguel Island. The report will be reviewed to determine if changes need to be made in subsequent monitoring programs.

In addition, the Air Force is monitoring the sound pressure levels during launches near a harbor seal haulout site on the mainland to determine if more intensive monitoring is needed at this site.

Comment: NMFS should advise the Air Force to adopt all possible mitigating measures as a part of its space vehicle program, including scheduling launches outside the pupping and breeding seasons of the affected species, and establishing launch windows during times that marine mammals on San Miguel are least sensitive to disturbance.

Response: If there is any new information that indicates focused sonic booms are having more than a negligible impact on the seals and sea lions on San Miguel Island, NMFS will reconsider the conditions specified in these regulations, and if necessary, may add certain mitigation measures such as seasonal restrictions.

Classification

NMFS prepared an environmental assessment for this rulemaking and

concluded that there will be no significant impact on the quality of the human environment as a result of this rule. A copy of the assessment is available on request (see **ADDRESSES**).

The Under Secretary for Oceans and Atmosphere, NOAA, determined that this rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. The regulations are not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, or government agencies; or (3) significant adverse effect on competition, employment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The General Counsel of the Department of Commerce certified to the Small Business Administration when the rule was proposed that, if adopted, it would not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis was not prepared.

This rule contains collection of information requirements subject to the Paperwork Reduction Act. These requirements were approved by the Office of Management and Budget (OMB) under section 3504(b) of the Paperwork Reduction Act issued under OMB Control Number 0648-0151. Public reporting burden for this collection of information is estimated to average 27.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the National Marine Fisheries Service and OMB (see **ADDRESSES**).

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

NMFS determined that this rule does not directly affect the coastal zone of any state with an approved coastal zone management program under the Coastal Zone Management Act (CZMA). This determination has been submitted to the State of California's Division of Governmental Coordination for review as provided for in 16 U.S.C. 1456.

List of Subjects in 50 CFR Part 228

Marine mammals, Reporting and recordkeeping requirements.

Dated: August 15, 1991.

Michael F. Tillman,

Deputy Assistant Administrator for Fisheries.

For reasons set forth in the preamble, 50 CFR part 228 is amended as follows:

PART 228—REGULATIONS GOVERNING SMALL TAKES OF MARINE MAMMALS INCIDENTAL TO SPECIFIED ACTIVITIES

1. The authority citation for part 228 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*

2. Subpart C is revised to read as follows:

Subpart C—Taking of Marine Mammals Incidental to Space Vehicle Activities

Sec.

Subpart C—Taking of Marine Mammals Incidental to Space Vehicle Activities

§ 228.21 Specified activity and specified geographical region.

Regulations in this subpart apply only to the incidental taking of California sea lions, Steller (northern) sea lions, northern elephant seals, harbor seals, Guadalupe fur seals and northern fur seals by U.S. citizens engaged in launching Titan IV space vehicles from Space Launch Complex 4 at Vendenberg Air Force Base, California.

§ 228.22 Effective dates.

Regulations in this subpart are effective beginning September 23, 1991, through September 23, 1996.

§ 228.23 Permissible methods.

(a) U.S. citizens holding a Letter of Authorization issued pursuant to § 228.6 for launches of the Titan IV space vehicle from Space Launch Complex 4 at Vandenberg Air Force Base, California may take marine mammals through incidental, unintentional, non-lethal harassment during the course of a launch provided all terms, conditions, and requirements of these regulations and such Letter of Authorization are complied with.

(b) Launches of the Titan IV space vehicle from Space Launch Complex 4 at Vandenberg Air Force Base, California shall be conducted in a manner that minimizes, to the greatest extent possible, adverse impacts on the marine mammals specified in § 228.21 and their habitats.

§ 228.24 Prohibitions.

Notwithstanding any taking authorized by § 228.23 and by a Letter of Authorization issued pursuant to § 228.6, no person in connection with the launch of a Titan IV space vehicle from Space Launch Complex 4 at Vandenberg Air Force Base, California, shall:

(a) Take any marine mammal not specified in § 228.21;

(b) Take any marine mammal specified in § 228.21 other than by incidental, unintentional, non-lethal harassment;

(c) Take a marine mammal specified in § 228.21 if such take results in more than a negligible impact of the species or stocks of such marine mammal; or

(d) Violate or fail to comply with the terms, conditions, and requirements of these regulations or such Letter of Authorization.

§ 228.25 Requirements for monitoring and reporting.

(a) The holder of a Letter of Authorization issued pursuant to § 228.6 for launches of the Titan IV space vehicle from Space Launch Complex 4 at Vandenberg Air Force Base, California is required to cooperate with the National Marine Fisheries Service (NMFS) and any other Federal, State, or local agency monitoring the impacts of such launches on the marine mammals specified in § 228.21. The holder must notify the Director, Southwest Region, NMFS, 300 South Ferry Street, Terminal Island, Ca. 90731, (203) 548-2575, of any potential take at least 2 weeks prior to the launch.

(b) The holder of a Letter of Authorization issued pursuant to § 228.6 for launches of the Titan IV space vehicle from Space Launch Complex 4 must designate a qualified individual or individuals to monitor and record the effects of such launches on the populations inhabiting the Northern Channel Islands of the marine mammals specified in § 228.21.

(c) The holder of a Letter of Authorization issued pursuant to § 228.6 for launches of the Titan IV space vehicle from Space Launch Complex 4 must monitor the populations inhabiting San Miguel Island of the marine mammals specified in § 228.21 before, during, and after the first two launches of such space vehicle that produce focused sonic booms over that island. Special attention must be paid to the effects on hearing of those marine mammals and their behavioral responses. At its discretion, the NMFS

will place an observer on San Miguel Island to monitor the research and sonic boom impact on the marine mammals specified in § 228.21.

(d) The holder of a Letter of Authorization issued pursuant to § 228.6 for launches of the Titan IV space vehicle from Space Launch Complex 4 must submit a report to the Assistant Administrator for Fisheries within 90 days of any launch that produces a focused sonic boom over the Northern Channel Islands. The report must include the:

(1) Date and time of the launch;

(2) Dates and locations of research activities related to monitoring the effects of the focused sonic booms on the populations of marine mammals specified in § 228.21;

(3) Results of monitoring activities concerning hearing and behavioral responses; and

(4) Results of population studies made of the marine mammals specified in § 228.21 inhabiting the Northern Channel Islands before and after the launch.

§ 228.26 Modifications of letters of authorization.

(a) In addition to complying with the provisions of § 228.6, except as provided in § 228.26(b), no substantive modification of a letter of Authorization issued pursuant to § 228.6 for launches of the Titan IV space vehicle from Space Launch Complex 4 shall be made until after notice and an opportunity for public comment.

(b) If NMFS determines that an emergency exists that poses a significant risk to the well-being of the species or stocks of marine mammals specified in § 228.21 or that significantly and detrimentally alters the scheduling of Titan IV space vehicle launches, a Letter of Authorization issued pursuant to § 228.6 for launches of the Titan IV space vehicle from Space Launch Complex 4 may be substantively modified without notice and an opportunity for public comment.

[FR Doc. 91-20025 Filed 8-21-91; 8:45 am]
BILLING CODE 3510-22-M

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50 CFR Part 661

[Docket No. 910498-1098]

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closures.

SUMMARY NOAA announces the closure of the two recreational salmon fisheries in the exclusive economic zone (EEZ) from the Queets River, Washington, to Cape Falcon, Oregon, at midnight, August 12, 1991, to ensure that their subarea coho salmon quotas are not exceeded. The Director, Northwest Region, NMFS (Regional Director), has determined that the recreational fishery quotas of 88,400 coho salmon for the subarea from the Queets River to Leadbetter Point, Washington, and 109,500 coho salmon for the subarea from Leadbetter Point to Cape Falcon, Oregon, will be reached by midnight, August 12, 1991. The closures are necessary to conform to the preseason announcement of 1991 management measures. This action is intended to ensure conservation of coho salmon.

DATES: *Effective*: Closure of the EEZ from the Queets River, Washington, to Cape Falcon, Oregon, to recreational salmon fishing is effective at 2400 hours local time, August 12, 1991. Actual notice to affected fishermen was given prior to that time through a special telephone hotline and U.S. Coast Guard Notice to Mariners broadcasts as provided by 50 CFR 661.20, 661.21, and 661.23.

Comments: Public comments are invited until September 3, 1991.

ADDRESSES: Comments may be mailed to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, Washington 98115-0070. Information relevant to this notice has been compiled in aggregate form and is available for public review during business hours at the office of the NMFS Northwest Regional Director.

FOR FURTHER INFORMATION CONTACT: Joe Scordino at 206-526-6140.

SUPPLEMENTARY INFORMATION: Regulations governing the ocean salmon fisheries at 50 CFR part 661 specify at § 661.21(a)(1) that "When a quota for the commercial or the recreational fishery, or both, for any salmon species in any portion of the fishery management area is projected by the Regional Director to be reached on or by a certain date, the Secretary will, by notice issued under § 661.23, close the commercial or recreational fishery, or both, for all salmon species in the portion of the fishery management area to which the quota applies as of the date the quota is projected to be reached."

In its preseason notice of 1991 management measures (56 FR 21311, May 8, 1991), NOAA announced that the 1991 recreational fishery for all salmon species in the subarea from the Queets River to Leadbetter Point, Washington, would begin on June 24 and continue through the earliest of September 26 or the attainment of either a subarea quota of 88,400 coho salmon or the overall recreational quota of 40,000 chinook salmon north of Cape Falcon, Oregon. NOAA also announced that the 1991 recreational fishery for all salmon species in the subarea from Leadbetter Point to Cape Falcon would begin on June 24 and continue through the earliest of September 15 or the attainment of either a subarea quota of 109,500 coho salmon or the overall recreational quota of 40,000 chinook salmon north of Cape Falcon. Based on the best available information on August 8, the recreational fishery catch is projected to reach the coho quota in both subareas by midnight, August 12, 1991. Therefore, the fisheries in the two subareas from the Queets River to Leadbetter Point, Washington, and from Leadbetter Point, Washington to Cape Falcon, Oregon, are closed to further recreational fishing effective 2400 hours local time, August 12, 1991.

In accordance with the revised in-season notice procedures of 50 CFR 661.20, 661.21, and 661.23, actual notice to fishermen of these closures was given prior to 2400 hours local time, August 12, 1991, by telephone hotline number (206) 526-6667 and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 KHz.

The Regional Director consulted with representatives of the Pacific Fishery Management Council, the Washington Department of Fisheries, and the Oregon Department of Fish and Wildlife regarding closures of the two recreational fisheries between the Queets River, Washington, and Cape Falcon, Oregon. The States of Washington and Oregon will manage the recreational fisheries in State waters adjacent to this area of the EEZ in accordance with this Federal action. This notice does not apply to treaty Indian fisheries or to other fisheries which may be operating in other areas.

Because of the need for immediate action, the Secretary of Commerce has determined that good cause exists for this notice to be issued without affording a prior opportunity for public comment. Therefore, public comments on this notice will be accepted for 15 days through September 3, 1991.

Other Matters

This action is authorized by 50 CFR 661.21 and 661.23 and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 19, 1991.

Joe P. Clem,

Acting Director of Office Fisheries, Conservation and Management, National Marine fisheries Service.

[FR Doc. 91-20136 Filed 8-19-91; 4:01 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 56, No. 163
Thursday, August 22, 1991

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Chapter I

Issuance of Quarterly Report on the Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of Regulatory Agenda.

SUMMARY: The Nuclear Regulatory Commission (NRC) has issued the NRC Regulatory Agenda for the second quarter, April through June of 1991. The agenda is issued to provide the public with information about NRC's rulemaking activities. The Regulatory Agenda is a quarterly compilation of all rules on which the NRC has recently completed action or has proposed, or is considering action and of all petitions for rulemaking that the NRC has received that are pending disposition.

ADDRESSES: A copy of this report, designated NRC Regulatory Agenda (NUREG–0936) Vol. 10, No. 2, is available for inspection, and copying for a fee, at the Nuclear Regulatory Commission's Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

In addition, the U.S. Government Printing Office (GPO) sells the NRC Regulatory Agenda. To purchase it, a customer may call (202) 275–2060 or (202) 275–2171 or write to the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013–7082.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules Review Section, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 492–7758, toll-free number (800) 368–5642.

Dated at Bethesda, Maryland, this 19th day of August 1991.

For the Nuclear Regulatory Commission.

Donnie H. Grimsley,

Director, Division of Freedom of Information and Publications Services, Office of Administration.

[FR Doc. 91–20166 Filed 8–21–91; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 91–AGL–8]

Proposed Transition Area Alteration; Willmar, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to modify the existing Willmar, MN, transition area to accommodate revised VOR runways 10 and 28 Standard Instrument Approach Procedures (SIAP's) to Willmar. The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument conditions from other aircraft operating under visual weather conditions in controlled airspace.

DATES: Comments must be received on or before September 27, 1991.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL–7, Attn: Rules Docket No. 91–AGL–8, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

An informal docket may also be examined during normal business hours at the Air Traffic Division, System Management Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Douglas F. Powers, Air Traffic Division, System Management Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7568.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on he proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments as a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91–AGL–8". The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify the existing transition area near Willmar, MN to accommodate revised VOR runways 10 and 28 SIAP's to Willmar Municipal Airport—John L. Field. This modification would increase the transition area radius by approximately one nautical mile and eliminate the east and west extensions. The revised procedures require that the FAA alter the designated airspace to insure that the procedures will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined area which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6G dated September 4, 1990.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that the rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. App. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Willmar, MN [Revised]

That airspace extending upward from 700 feet above the surface within a 6.6-nautical mile radius of the Willmar Municipal Airport—John L. Rice Field (lat. 45°07'00" N., long. 95°05'24" W.).

Issued in Des Plaines, Illinois on August 8, 1991.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 91-20129 Filed 8-21-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 91-AEA-09]

Proposed Alteration of Transition Area; Wurtsboro, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FAA is proposing to modify the 700 foot Transition Area established for the Wurtsboro-Sullivan County Airport, Wurtsboro, NY, due to the development of a new VOR/DME Runway 5 Standard Instrument Approach Procedure (SIAP) to this airport. The intended effect of this proposed action is to ensure segregation of the aircraft using the SIAP in instrument conditions from other aircraft operating under visual weather conditions in controlled airspace.

DATES: Comments must be received on or before September 20, 1991.

ADDRESSES: Send comments on the rule in triplicate to: Edward R. Trudeau, Manager, System Management Branch, AEA-530, Docket No. 91-AEA-09, F.A.A. Eastern Region, Federal Building # 111, John F. Kennedy Int'l Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Assistant Chief Counsel, AEA-7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the System Management Branch, AEA-530, F.A.A. Eastern Region, Federal Building # 111, John F. Kennedy International Airport, Jamaica, NY 11430.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis L. Brewington, Airspace Specialist, System Management Branch, AEA-530, F.A.A. Eastern Region, Federal Building # 111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 917-0857.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91-AEA-09". The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Assistant Chief Counsel, AEA-7, F.A.A. Eastern Region, Federal Building # 111, John F. Kennedy international Airport, Jamaica, NY 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of part 71 of the

Federal Aviation Regulations (14 CFR part 71) to revise the 700 foot Transition Area established at Wurtsboro, NY, due to the development of a new VOR/DME Runway 5 SIAP to the Wurtsboro-Sullivan County Airport, Wurtsboro, NY. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6G dated September 4, 1990.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. App. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Wurtsboro, NY [Revised]

Wurtsboro-Sullivan County Airport, Wurtsboro, NY (lat. 41°35'50"N, long. 74°27'32"W)
Huguenot VORTAC, NY (lat. 41°24'35"N., long. 74°35'31"W.)

That airspace extending upward from 700 feet above the surface within a 7.4-mile radius of Wurtsboro-Sullivan County Airport and within 4 miles either side of the Huguenot VORTAC 028° (T) 039° (M) radial extending from 1.4 miles northeast of the VORTAC to the 7.4-mile radius. This transition area is effective from sunrise to sunset daily.

Issued in Jamaica, New York, on June 24, 1991.

Gary W. Tucker,

Manager, Air Traffic Division.

[FR Doc. 91-20130 Filed 8-21-91; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 240 and 270

[Release No. 34-29562; IC-18273; File No. S7-23-91]

RIN 3235-AE38

Shareholder Communications Rules

AGENCY: Securities and Exchange Commission.

ACTION: Proposed Rules.

SUMMARY: The Commission is publishing for comment proposed amendments to the shareholder communications and related rules to implement provisions of the Shareholder Communications Improvement Act of 1990. The proposed amendments are intended to carry out the purpose of this legislation by requiring brokers and banks that hold shares for beneficial owners of securities in nominee name to forward to the beneficial owners the proxy and information statements of investment companies registered under the Investment Company Act of 1940. Brokers and banks also would be required to forward to beneficial owners the information statements of other registrants. In addition, investment companies would be required to distribute information statements to shareholders where proxies, consents, or authorizations are not solicited in connection with a shareholder meeting.

DATES: Comments should be received on or before October 7, 1991.

ADDRESSES: Comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comment letters should refer to File No. S7-23-91. All comments received will be available for public inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549.

FOR FURTHER INFORMATION CONTACT: Brian J. Lane, Office of Disclosure Policy, Division of Corporation Finance, at (202) 272-2589; with regard to investment company issues, Kathleen K. Clarke, Office of Disclosure and Adviser Regulation, Division of Investment Management, at (202) 272-2107, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Commission is publishing for comment proposed amendments to the proxy and information statement rules under the Securities and Exchange Act of 1934 ("Exchange Act").[1] Revisions are proposed to rules 14a-13,[2] 14b-1,[3] and 14b-2 [4] of Exchange Act Regulation 14A [5] and rules 14c-1,[6] 14c-2,[7] and 14c-7 [8] of Exchange Act Regulation 14C.[9] In addition, a corresponding amendment to rule 20a-1 [10] under the Investment Company Act of 1940 ("Investment Company Act") [11] is proposed.

I. Executive Summary and Background

The Commission is proposing revisions to the proxy and information statement rules to implement amendments to Exchange Act sections 14(b)(1) [12] and 14(c) [13] enacted by the Shareholder Communications Improvement Act of 1990 (the "SCIA").[14] The combined effect of these amendments is to give the Commission the authority to require that brokers and dealers ("brokers") and banks [15] transmit to beneficial owners of securities the proxy materials [16] and information statements of all investment companies registered under the Investment Company Act ("Investment Company Act registrants") [17] and the

[1] 15 U.S.C. 78a *et seq.*
[2] 17 CFR 240.14a-13.
[3] 17 CFR 240.14b-1.
[4] 17 CFR 240.14b-2.
[5] 17 CFR 240.14a-1 *et seq.*
[6] 17 CFR 240.14c-1.
[7] 17 CFR 240.14c-2.
[8] 17 CFR 240.14c-7.
[9] 17 CFR 240.14c-1 *et seq.*
[10] 17 CFR 270.20a-1.
[11] 15 U.S.C. 80a-1 *et seq.*
[12] 15 U.S.C. 78n(b)(1).
[13] 15 U.S.C. 78n(c).
[14] Public Law 101-550, 104 Stat. 2713. The SCIA amendments were enacted on November 15, 1990.
[15] The term "banks" includes other institutions that may hold securities in nominee name for their customers including, without limitations, savings and loan associations and savings banks that maintain trust and customer accounts and similar entities that perform comparable fiduciary functions on behalf of customers. See rules 14a-1(c) (17 CFR 240.14a-1(c) and 14b-2; Release No. 34-34276 (June 5, 1986) (51 FR 20504).
[16] The term "proxy materials" as used in this release refers collectively to proxy cards, consents, authorizations or requests for voting instructions, proxy or other soliciting material, and annual reports to security holders.
[17] Prior to the SCIA amendments, Exchange Act section 14(b)(1) pertained only to proxy materials in respect of securities registered under section 12 of the Exchange Act (15 U.S.C. 78*l*). Exchange Act sections 12(g) and rule 12g-1 (17 CFR 240.12g-1) thereunder require that any issuer having total

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information statements of section 12 registrants [18] and that Investment Company Act registrants distribute information statements.[19] The SCIA amendments are intended to eliminate gaps in the current system for regulation of shareholder communications that have resulted in unwarranted disparities with respect to information provided to security holders.

The current shareholder communications rules are intended to ensure that the beneficial owners of securities that are registered under Exchange Act section 12 and held in nominee name by brokers or banks receive proxy materials on a timely basis. The rules require registrants to request that brokers or banks provide information on the number of sets of proxy materials necessary for forwarding to beneficial owners.[20] Brokers or banks are required to respond to the registrant's request for information concerning beneficial owners [21] and, upon receipt, transmit the proxy materials to beneficial owners.[22] Registrants also may request from brokers and banks a list of the names, addresses, and securities positions of beneficial owners who do not object to disclosure of their identities.[23] Brokers and banks are required to provide beneficial owners information in response to the registrant's request.[24] This beneficial owner information is to be used by the registrant only for the purpose of corporate communications.[25]

Where proxies are not solicited in connection with a shareholder meeting, registrants are required to transmit to security holders information substantially equivalent to the information contained in a proxy statement.[26] Under the information statement rules, the same requirements as those pertaining to proxy materials supply to registrants with respect to transmitting information statements to, and requesting information about, beneficial owners,[27] although brokers and banks do not have, under the current rules, a corresponding obligation to transmit the information statements furnished by registrants to beneficial owners.

The proposed amendments to the rules would implement the SCIA amendments by: (1) Revising the shareholder communications provisions of the proxy [28] and information statement [29] rules to require brokers and banks to forward to beneficial owners the proxy materials and the information statements of Investment Company Act registrants and information statements of section 12 registrants; (2) revising the information statement rules [30] to require all Investment Company Act registrants to transmit information statements to shareholders; and (3) permitting brokers and banks to obtain reimbursement of costs that may be associated with implementation of these amendments through a proposed surcharge comparable to one adopted by self-regulatory organizations when similar rules expanding the shareholder communications obligations of brokers were adopted in 1985.[31]

The Commission is currently conducting a comprehensive review of the efficacy of the proxy rules,[32] which includes broader issues concerning the shareholder communication and related rules. This release, however, is intended solely to implement the SCIA amendments. In addition, minor technical revisions are proposed to make the shareholder communications rules consistent with the proposed substantive amendments.

Under current self-regulatory organization requirements [33] and standard industry practice, many brokers and banks currently transmit to beneficial owners the proxy materials and information statements of Investment Company Act registrants as well as the information statements of section 12 registrants. To further communications between registrants and beneficial owners, intermediaries are encouraged to continue to foward these materials and to comply with the new legislative provisions regarding Investment Company Act registrants and information statements, to the extent feasible, prior to the effective date of the proposed rules.

II. Discussion of Proposals

A. Transmission of Shareholder Communications

Amendments to the shareholder communications rules are proposed that would require brokers and banks to transmit to beneficial owners the proxy materials of all Investment Company Act registrants and the information statements both of Investment Company Act registrants and section 12 registrants under substantially similar requirements as currently exist with respect to the forwarding of proxy materials by section 12 registrants. A definition of "registrant" would be added to the rules, referencing both Investment Company Act registrants and section 12 registrants.[34] Where the

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assets in excess of $5 million and a class of 500 or more non-exempt equity security holders ("section 12 registrants") register that class of equity security; but Exchange Act section 12(g)(2)(B) (15 U.S.C. 78*l*(g)(2)(B)) specifically excludes Investment Company Act registrants from this registration requirement. Certain types of Investment Company Act registrants are required to register under Exchange Act section 12(b) (15 U.S.C. 78*l*(b)) (closed-end investment companies that are traded on an exchange) or under Investment Company Act section 54(a)(1) (15 U.S.C. 80a-53(a)(1)) (business development companies). These registrants constitute a small proportion, approximately 12%, of the total number of Investment Company Act registrants.

[18] Before amendment, Exchange Act section 14(b)(1) referred only to proxies, consents or authorizations and did not include information statements.

[19] As with Exchange Act section 14(b)(1), section 14(c) with respect to the transmittal of information statements pertained, prior to the SCIA amendments, only to section 12 registrants. Investment Company Act registrants are required to provide proxy statements under Investment Company Act section 20(a) (15 U.S.C. 80a-20(a)) and the rules adopted thereunder. Investment Company Act rule 20a-1 makes applicable to the solicitation of proxies by Investment Company Act registrants all the rules adopted pursuant to Exchange Act section 14(a).

[20] Rule 14a-13(a) (17 CFR 240.14a-13(a)).

[21] Rules 14b-1(a) (17 CFR 240.14b-1(a)) and 14b-2(a) (17 CFR 240.14b-2(a)).

[22] Rules 14b-1(b) (17 CFR 240.14b-1(b)) and 14b-2(c) (17 CFR 240.14b-2(c)).

[23] Rule 14a-13(b) (17 CFR 240.14a-13(b)).

[24] Rules 14b-1(c) (17 CFR 240.14b-1(c)) and 14b-2(e) (17 CFR 240.14b-2(e)).

[25] Rule 14a-13(b)(4) (17 CFR 240.14a-13(b)(4)). This limitation was included in the rules in response to concerns about confidentiality of the beneficial owner information and the sale or other use of such information. Release No. 34-20021 (August 3, 1983) (48 FR 35082).

[26] Exchange Act section 14(c) and Regulation 14C thereunder.

[27] Rule 14c-7.

[28] Rules 14a-13, 14b-1 and 14b-2.

[29] Rule 14c-7.

[30] Rules 14c-1 and 14c-2(a) (17 CFR 240.14c-2(a)).

[31] Rule 14b-1.

[32] In this regard, the first rulemaking initiative proposing amendments to the proxy rules was issued by the Commission on June 25, 1991. See Release No. 34-29315 (June 25, 1991) (56 FR 28987).

[33] The rules of the self-regulatory organizations generally require that members transmit proxy soliciting material and information statements to beneficial owners, including beneficial owners of investment company securities. See Am. Stock Ex. Guide (CCH) par. 9528 at 2716 (rule 576); 2 N.Y.S.E. Guide (CCH) par. 2465 at 3816 (rule 465). For brokers, the phrase "other materials" is interpreted to include information statements. See NASD Manual (CCH) par. 2151.05 at 2038 (section 1 of Rules of Fair Practice) (where member organizations are required to forward to beneficial owners of securities "information statements"). Bank intermediaries are not subject to comparable requirements to transmit information statements.

[34] Proposed rules 14b-1(a) and 14b-2(a). The term "registrant" would be defined to mean the issuer of

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shareholder communications rules refer to proxies, proxy soliciting materials and annual reports to security holders, the term "information statements" would be included.[35]

Because of the addition of the definitions and in order to set forth more clearly the obligations of brokers and banks to transmit proxy materials and information statements, the shareholder communications rules for brokers and banks, under the amendments as proposed, would be reorganized.[36] With respect to the practical operations of the shareholder communications rules, comment is specifically requested on the effectiveness of the mechanism set forth for banks to transmit executed proxies to beneficial owners with, among other things, identifying account numbers and whether other procedures should be required in lieu of or in addition to such procedures.[37]

The obligations of registrants to provide information statements to beneficial owners [38] would be, as proposed, comparable to the registrant's obligations in respect of proxy materials. The rules specifying the obligations of brokers and banks to transmit shareholder communications to beneficial owners would be amended to refer to the rules for the corresponding obligations of the registrant to furnish information statements to brokers or banks.[39]

Under the current rules, registrants are required to transmit information statements at least 20 calendar days prior to the meeting date or, in the case of action by consent or authorization, 20 calendar days prior to the earliest date on which corporate action can be taken.[40] In order to allow registrants to obtain timely estimates of the number of information statements required for distribution to beneficial owners and to give intermediaries the time necessary to take the steps required to deliver information statements promptly to beneficial owners, a proposed amendment to the information statement rules would require registrants to make inquiries of brokers and banks as to the number of beneficial owners in advance of the record date for the shareholder meeting or action by written consent or the mailing date of the information statement.[41] This inquiry would be required to be made at least 20 business days prior to the earlier of the record date or the required mailing date. This proposed advance notice requirement is comparable to the notice requirement specified for registrants with respect to proxy materials,[42] and is equally important to the information statement dissemination process. Comment is requested on whether the inquiry period is, as proposed, an appropriate period to facilitate the timely transmission of information statements or whether a shorter or longer period would be more suitable for the information statement transmittal process. Comment also is requested on whether other dates for the inquiry required of brokers and banks would be more appropriate, for example, by reference to the shareholder meeting date or the date on which action by consent can be taken as is currently specified in the information statement mailing date requirement. With respect to comment on the proposed rules or possible recommended alternative dates, commenters should specially discuss the practical effect of the inquiry date on the transmission of information statements to brokers or banks for mailing to beneficial owners.

B. Information Statement Requirements for Investment Companies

The rules governing the registrant's obligation to send an information statement where proxies are not solicited are proposed to be amended to include all Investment Company Act registrants. The definition of "registrant" in the information statement rules would be revised to include Investment Company Act registrants as well as section 12 registrants,[43] and Investment Company Act registrants would be required to transmit information statements to security holders.[44] In addition, an instruction would be added to the Investment Company Act rules directing Investment Company Act registrants to Exchange Act section 14(c) and the rules adopted thereunder requiring information statements to be furnished to security holders when proxies are not being solicited.[45]

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a class of securities registered pursuant to section 12 of the Exchange Act or an investment company registered under the Investment Company Act. This separate definitional paragraph also would reference the general definitions, as applicable, currently in the proxy and information statement rules and include the existing definition of "beneficial owner" in parabraph (j) of rule 14b-2 (17 CFR 240.14b-2(j)) (paragraph (j) would be deleted). In addition, because the reorganization of rule 14b-2, as proposed, would refer more frequently to a bank, association, or other entity that exercises fiduciary powers, a definition of "bank" to encompass these entities would be added to proposed rule 14b-2(a).

[35] Information statements would be included in, with respect to brokers' obligations, proposed rules 14b-1(b)(2) (current rule 14b-1(b)) and 14b-1(c)(1)(i) (current rule 14b-1(d) (17 CFR 240.14b-1(d))), and, with respect to banks' obligations, proposed rules 14b-2(b)(3) (current rule 14b-2(c)), and 14b-2(c)(1)(i) (current rule 14b-2(g) (17 CFR 240.14b-2(g)).

[36] A new paragraph (b) in each of rules 14b-1 and 14b-2, respectively, would include the provisions specifying the dissemination and disclosure of beneficial owner information requirements for brokers in paragraphs (a), (b), and (c) of current rule 14b-1 and for banks in paragraphs (a), (b), (c), and (e) of current rule 14b-2. Similarly, a new paragraph (c) in both rules would include the exceptions to the forwarding requirements of brokers and banks in the current rules for (i) beneficial owners of exempt employee benefit plan securities (for brokers, rule 14b-1(d), and for banks, rule 14b-2(g)), (ii) provision of assurance of reimbursement of reasonable expenses (for brokers, rule 14b-1(e)(1) (17 CFR 240.14b-1(e)(1)), and for banks, rule 14b-2(f)(1) (17 CFR 240.14b-2(f)(1))), and (iii) mailing of annual reports where the registrant assumes this obligation for non-objecting or consenting beneficial owners (for brokers, rule 14b-1(e)(2) (17 CFR 240.14b-1(e)(2)), and for banks, rule 14b-2(f)(2) (17 CFR 240.14b-2(f)(2))). Corresponding changes, as applicable, would be made where these redesignated provisions are referenced in rules 14a-13 and 14c-7.

[37] Rules 14b-2(e)(1)(i)(B) and (C) (17 CFR 240.14b-2(e)(1)(i)(B) and (C)).

[38] Rule 14c-7.

[39] Specifically, references to registrant's information statement requirements in rule 14c-7 (or the appropriate paragraph thereof) would be added to: (i) With respect to a broker's obligations to transmit proxy materials and information statements, proposed rules 14b-1(b)(1) (current rule 14b-1(a)), 14b-1(b)(1)(ii) (current rule 14b-1(a)(2) (17 CFR 240.14b-1(a)(2))), and 14b-1(c)(2)(ii) (current rule 14b-1(e)(2)); and (ii) with respect to a bank's obligations to transmit proxy materials and information statements, proposed rules 14b-2(b)(1)(i) (current rule 14b-2(a)(1) (17 CFR 240.14b-2(a)(2))), 14b-2(b)(1)(ii) (current rule 14b-2(a)(2) (17 CFR 240.14b-2(a)(2)(ii))), 14b-2(b)(4)(i) (current rule 14b-2(e)(1)), and 14b-2(c)(3) (current rule 14b-2(h) (17 CFR 240.14b-2(2))).

[40] Rule 14c-2(b).

[41] This requirement would be incorporated in rule 14c-7(a) (17 CFR 240.14c-7(a)) by the addition of a new paragraph (3) (current paragraphs (3) and (4) would be renumbered, respectively, (4) and (5)). In addition, Note 3 to renumbered paragraph (4) would be revised to reference the obligations of brokers and banks to transmit information statements to beneficial owners, as required under the proposed rules. Rule 14c-7 also is proposed to be modified to require that registrants inquire of brokers and banks whether an agent has been designated to act on their behalf for purpose of conforming the rule to a similar requirement in rule 14a-13(a)(1)(C) (17 CFR 240.14a-13(a)(1)(C)) under the proxy rules. Proposed rule 14c-7(a)(1).

[42] Rule 14a-13(a)(3) (17 CFR 240.14a-13(a)(3)). The proposed notice requirement is different from that in rule 14a-13(a)(3) for proxy materials to the extent necessary to conform to the timing requirements for the mailing of information statements. With respect to timing requirements, the Commission recently authorized proposed rules for comment with respect to limited partnership roll-up transactions that include a minimum proxy solicitation and information statement transmittal period of 60 calendar days prior to a meeting or the earliest date of partnership action by consent, or such earlier date as fixed by state law. See Release No. 34-29313 (June 25, 1991) (56 FR 28962).

[43] Proposed amendment to rule 14c-1(j) (17 CFR 240.14c-1(j)).

[44] Proposed amendment to rule 14c-2(a).

[45] Proposed amendment to rule 20a-1. Following the adoption of the proposed amendments, Investment Company Act registrants would be required to refer to schedule 14C under the Exchange Act (17 CFR 240.14c-101) to determine the information required to be included in an information statement. Among other things,

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C. Reimbursement of Costs for Delivery of Registrant Proxy Materials and Information Statements

Currently and as preserved under the proposed revisions, the obligation of brokers and banks to transmit proxy materials and information statements to beneficial owners requires the assurance of reimbursement of reasonable expenses incurred.[46] The rules of the self-regulatory organizations provide for specific reimbursement rates.[47] These rules included a surcharge, adopted in 1985 and effective for the first two annual meetings after March 28, 1985, for the start-up costs associated with the implementation of the requirements for brokers to identify non-objecting beneficial owners.[48]

Banks are not subject to comparable self-regulatory organization rules. Therefore, a non-exclusive safe-harbor provision [49] was approved in 1986, in conjunction with the adoption of the shareholder communications rules applicable to banks, providing that amounts permitted to be charged by brokers would be deemed to be reasonable for banks. In this regard, the Commission stated that the surcharge approved for brokers would be included in the reasonable reimbursable expenses of banks.[50]

Because of self-regulatory organization requirements and informal practice, the established processing systems of brokers and banks often include the beneficial owners of investment company securities held in nominee name and provide for the transmission of information statements. Nevertheless, additional procedures may be necessary for brokers and banks to modify their systems in order to transmit the materials required under the proposed rules to additional beneficial owners and to determine whether such beneficial owners object or consent to disclosure of their identity. Since the additional procedures could result in increased costs, the proposed rules would permit brokers and banks to seek reimbursement of a specific surcharge amount in connection with implementation of requirements that would be established pursuant to the proposed amendments.[51] This would serve to ensure uniform cost reimbursement for the initial implementation of the requirements imposed under the proposed amendments.

Under the proposed rules, brokers and banks would be permitted to obtain reimbursement of a surcharge for additional materials required to be furnished to beneficial owners under the proposed rules.[52] The surcharge, which is the same amount provided for by the self-regulatory organization rules in conjunction with the revisions to the shareholder communications rules in 1985, likewise would be permitted for the two years after the effective date of the requirements ultimately adopted.

The Commission specifically requests comments on costs, the proposed surcharge, and related matters, including: (1) Whether incremental costs may be incurred under the proposed amendments, including the nature and estimates of such costs, and whether they would specifically relate to different issuers or types of mailings (i.e., proxy materials or information statements); (2) whether the surcharge is necessary; (3) whether the surcharge, as proposed, is an appropriate estimate of incremental costs that may be associated with the proposed amendments; (4) whether the surcharge should be greater due to, among other things, increased costs of compliance or, alternatively, should be lower because, for example, enhanced technology is available and systems are in place to identify customer preferences; and (5) whether the proposed approach, including the surcharge, is adequate, and, if not, what type or amount of specific cost reimbursement provision could otherwise be provided to reimburse brokers and banks for costs associated with the proposed amendments.

In view of the additional procedures that may be required as a result of the proposed new obligations, the Commission also is considering whether, in addition to the reimbursement of costs, a procedure should be provided for brokers and banks to seek from the Commission a deferral of the new requirement under limited circumstances to allow for implementation of systems to transmit the additional materials to beneficial owners. Such a provision would be analogous to the waiver procedure included in the rules when banks first became subject to the shareholder communications requirements in 1986 [53] and would be imposed for the similar purpose of assisting brokers and banks in complying with the proposed rules. Comments are specifically requested on whether the proposed rules will impose significantly more burdensome procedures on brokers and banks and whether a provision allowing for a deferral, upon application to the Commission, of the new requirements is necessary or appropriate. Comment is also requested on whether, if included in the rules, any deferral provision should be effective only for a specified time period, including the appropriate length of any such period, such as one or two years.

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schedule 14C requires an information statement to include the applicable information required to be included in proxy statements by certain items of schedule 14A under the Exchange Act (17 CFR 240.14a–101). Investment Company Act registrants should include in an information statement all of the applicable information that would be required to be included in a proxy statement by rules 20a–2 and 20a–3 under the Investment Company Act (17 CFR 270a–2 and 270.20a–3).

[46] Under the current rules, registrants are obligated by pay brokers or banks their reasonable expenses for mailing proxy materials and information statements and for providing beneficial owner information. See rules 14a–13(a)(5) and 14a–13(b)(5) (17 CFR 240.14a–13(a)(5) and 240.14a–13(b)(5) for proxy materials and rules 14c–7(a)(4) and 14c–7(b)(5) (17 CFR 240.14c–7(a)(4) and 240.14c–7((b)(5) for information statements. The corresponding reimbursement provisions in the rules applicable to brokers and banks provide that there is no obligation to transmit such materials or to provide beneficial owner information if the broker or bank does not receive assurance of reimbursement of reasonable expenses. Current rules 14b–1(e)(1) and 14b-2(f)(1).

[47] The rules of the self-regulatory organizations, approved by the Commission pursuant to section 19(b) of the Exchange Act [15 U.S.C. 78s(b)], provide for approved rates of reimbursement of member organizations for all out-of-pocket expenses incurred in connection with proxy solicitations; for example, in connection with a routine annual meeting, the rates are $.60 for each set of proxy material plus postage. Am. Stock Ex. Guide (CCH) par. 9528.80 at 2716 through 2718 (Rule 576); 2 N.Y.S.E. Guide (CCH) par. 2451.90 at 3808 (Rule 451); NASD Manual (CCH) par. 2151 at 2039 (section 1 of Rules of Fair Practice).

[48] The purpose of the surcharge was to reimburse brokers for instituting the systems necessary to inquire and to maintain records with respect to whether customers objected to direct communications from the registrant. The permitted surcharge was $.20 and $.185, respectively, for each set of proxy materials for a registrant's first two annual meeting proxy solicitations subsequent to the approval of the surcharge. See, e.g., 2 N.Y.S.E. Guide (CCH) par. 2451.91 at 3808 through 3809 (rule 451).

[49] Rule 14b–2(h).

[50] See Release No. 34–23847 (December 9, 1986) [51 FR 44627].

[51] Proposed rules 14b–1(c)(3) and 14b–2(c)(3)(ii).

[52] The proposed surcharge amounts would be the same as originally adopted, $.20 for the first year after the effective date of the rule and $.185 for the second year. In this regard, a technical revision to the rules also is proposed to combine the provision concerning reasonable expenses for banks in current paragraph (h) of rule 14b–2 with proposed rule 14b–2(c)(3) so that all expense-related provisions are included in the same section of the rules (paragraph (h) would be deleted).

[53] The provision in current rule 14b–2(d) [17 CFR 240.14b–(d)] provided for waivers by the Commission, if applied for prior to July 1, 1988, of the obligations of banks to execute omnibus proxies in favor of respondent banks and to forward proxies or requests for voting instructions. This waiver provision is no longer available and, under the proposed rules, would be deleted.

III. General Request for Comment

Any interested persons wishing to submit written comments on the proposed amendments to the shareholder communications, information statement and related rules, as well as on other matters that might have an impact on the proposals set out in this release, are requested to do so. Comments are requested on the impact of the proposed rules on brokers, banks, registrants and beneficial owners. The Commission also requests comment on whether the proposals, if adopted, would have an adverse effect on competition that is neither necessary nor appropriate in furthering the purposes of the Exchange Act. Comments on this inquiry will be considered by the Commission in complying with its responsibilities under section 23(a) of the Exchange Act.[54]

IV. Cost-Benefit Analysis

To assist the Commission in its evaluation of the costs and benefits that may result from the proposed changes to the shareholder communications, information statement and related rules, comments are requested to provide views and data relating to any costs and benefits associated with these proposals. It is not expected that the requirement that brokers and banks transmit to beneficial owners the proxy materials and information statements of Investment Company Act registrants and information statements of section 12 registrants subject to the rules will increase costs for these intermediaries, since their expenses are reimbursed by registrants. The reimbursement of these expenses and the costs associated with providing proxy materials and information statements for delivery to beneficial owners may result in additional costs for registrants. Investment Company Act registrants, which would be required, under the proposed rules, to prepare and to transmit information statements to their shareholders, may also incur additional expenses. These costs, however, would be offset by the benefit of enhanced communication with, and disclosure to, shareholders.

V. Summary of Initial Regulatory Flexibility Analysis

An initial regulatory flexibility analysis has been prepared in accordance with 5 U.S.C. 603 concerning the proposed amendment to rules 14a–13, 14b–1, 14b–2, 14c–1, 14c–2, and 14c–7. The analysis notes that the proposed amendments are intended to assure that all holders of securities in nominee name receive the benefits of the shareholder communications rules and that Investment Company Act registrant shareholders receive the same information as other shareholders.

As discussed more fully in the analysis, the proposed changes would affect persons that are small entities, as defined in the Commission's rules. It is expected, however, that the recordkeeping and compliance burdens that would result from the changes will be minimal. The analysis also indicates that there are no current federal rules that duplicate, overlap, or conflict with the additional shareholder communications requirements.

As stated in the analysis, several possible significant alternatives to the proposals were considered, including, among others, establishing different compliance standards for small entities or exempting them from all or part of the proposed requirements. As more fully discussed in the analysis, none of the alternatives were deemed appropriate, either because they were duplicative of the proposed changes, inconsistent with the purposes of the securities laws, or otherwise without justification.

Written comments are encouraged with respect to any aspect of the analysis. Such comments will be considered in the preparation of the Final Regulatory Flexibility Analysis if the proposed revisions are adopted. A copy of the analysis may be obtained by contacting Brian J. Lane, Office of Disclosure Policy, Division of Corporation Finance, at (202) 272–2589, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

VI. Statutory Basis for Rules

These amendments to the proxy and information statement rules are being proposed pursuant to Exchange Act sections 14 and 23(a). The amendment to the investment company rules is being proposed pursuant to Investment Company Act sections 20(a) and 38(a).

List of Subjects in 17 CFR Parts 240 and 270

Reporting and recordkeeping requirements, Securities, Investment companies.

VII. Text of the Proposed Amendments

In accordance with the foregoing, title 17, chapter II of the Code of Federal Regulations is proposed to be amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. The authority citation for part 240 continues to read as follows:

Authority: 15 U.S.C. 77c, 77d, 77s, 77ttt, 78c, 78d, 78i, 78j, 78l, 78m, 78n, 78o, 78p, 78s, 78w, 78x, 79q, 79t, 80a–29, 80a–37, unless otherwise noted.

2. By amending § 240.14a–13 to revise note 2 to paragraph (a) to read as follows:

§ 240.14a–13 Obligation of registrants in communicating with beneficial owners.

(a) * * *

Note 2: The attention of registrants is called to the fact that each broker, dealer, bank, association, and other entity that exercises fiduciary powers has an obligation pursuant to § 240.14b–1 and § 240.14b–2 (except as provided therein with respect to exempt employee benefit plan securities held in nominee name) and, with respect to brokers and dealers, applicable self-regulatory organization requirements to obtain and forward, within the time periods prescribed therein, (a) proxies (or in lieu thereof requests for voting instructions) and proxy soliciting materials to beneficial owners on whose behalf it holds securities, and (b) annual reports to security holders to beneficial owners on whose behalf it holds securities, unless the registrant has notified the record holder or respondent bank that it has assumed responsibility to mail such material to beneficial owners whose names, addresses, and securities positions are disclosed pursuant to § 240.14b–1(b)(3) and § 240.14b–2(b)(4)(ii) and (iii).

* * * * *

3. By further amending § 240.14a–13 as follows:

§ 240.14a–13 [Amended]

(A) In paragraph (a)(1)(i)(C) remove the reference to "§ 240.14b–1(c) or § 240.14b–2(e)(2) and (3)" and add in its place "§ 240.14b–1(b)(3) or § 240.14b–2(b)(4)(ii) and (iii)";

(B) In paragraphs (a)(1)(ii)(A), the introductory text of (b), and (c) remove the reference to "§ 240.14b–1(c) and § 240.14b–2(e)(2) and (3)" and add in its place "§ 240.14b–1(b)(3) and § 240.14b–2(b)(4)(ii) and (iii)";

(C) In paragraph (a)(2) remove the reference to "§ 240.14b–2(a)(1)" and add in its place "§ 240.14b–2(b)(1)(i)"; and

(D) In paragraph (b)(1) remove the reference to "§ 240.14b–2(e)(1)" and add in its place "§ 240.14b–2(b)(4)(i)".

4. By revising § 240.14b–1 to read as follows:

[54] 15 U.S.C. 78w(a).

§ 240.14b–1 Obligation of registered brokers and dealers in connection with the prompt forwarding of certain communications to beneficial owners.

(a) *Definitions.* Unless the context otherwise requires, all terms used in this section shall have the same meanings as in the Act and, with respect to proxy solociting material, as in § 240.14a–1 thereunder and, with respect to information statements, as in § 240.14c–1 thereunder. In addition, as used in this section, the term *registrant* means:

(1) The issuer of a class of securities registered pursuant to section 12 of the Act; or

(2) An investment company registered under the Investment Company Act of 1940.

(b) *Dissemination and beneficial owner information requirements.* A broker or dealer registered under section 15 of the Act shall comply with the following requirements for disseminating certain communications to beneficial owners and providing beneficial owner information to registrants.

(1) The broker or dealer shall respond, by first class mail or other equally prompt means, directly to the registrant no later than seven business days after the date it receives an inquiry made in accordance with § 240.14a–13(a) or § 240.14c–7(a) by indicating, by means of a search card or otherwise:

(i) The approximate number of customers of the broker or dealer who are beneficial owners of the registrant's securities that are held of record by the broker, dealer, or its nominee;

(ii) The number of customers of the broker or dealer who are beneficial owners of the registrant's securities who have objected to disclosure of their names, addresses, and securities positions if the registrant has indicated, pursuant to § 240.14a–13(a)(1)(ii)(A) or § 240.14c–7(a)(1)(ii)(A), that it will distribute the annual report to security holders to beneficial owners of its securities whose names, addresses and securities positions are disclosed pursuant to paragraph (b)(3) of this section; and

(iii) The identity of the designated agent of the broker or dealer, if any, acting on its behalf in fulfilling its obligations under paragraph (b)(3) of this section; *Provided, however,* That if the broker or dealer has informed the registrant that a designated office(s) or department(s) is to receive such inquiries, receipt for purposes of paragraph (b)(1) of this section shall mean receipt by such designated office(s) or department(s).

(2) The broker or dealer shall, upon receipt of the proxy, other proxy soliciting material, information statement, and/or annual reports to security holders, forward such materials to its customers who are beneficial owners of the registrant's securities no later than five business days after receipt of the proxys material, information statement or annual reports.

(3) The broker or dealer shall, through its agent or directly:

(i) Provide the registrant, upon the registrant's request, with the names, addresses, and securities positions, compiled as of a date specified in the registrant's request which is no earlier than five business days after the date the registrant's request is received, of its customers who are beneficial owners of the registrant's securities and who have not objected to disclosure of such information; *Provided, however,* That if the broker or dealer has informed the registrant that a designated office(s) or department(s) is to receive such requests, receipt shall mean receipt by such designated office(s) or department(s); and

(ii) Transmit the data specified in paragraph (b)(3)(i) of this section to the registrant no later than five business days after the record date or other date specified by the registrant.

Note 1: Where a broker or dealer employs a designated agent to act on its behalf in performing the obligations imposed on the broker or dealer by paragraph (b)(3) of this section, the five business day time period for determining the date as of which the beneficial owner information is to be compiled is calculated from the date the designated agent receives the registrant's request. In complying with the registrant's request for beneficial owner information under paragraph (b)(3) of this section, a broker or dealer need only supply the registrant with the names, addresses, and securities positions of non-objecting beneficial owners.

Note 2: If a broker or dealer receives a registrant's request less than five business days before the requested compilation date, it must provide a list compiled as of a date that is no more than five business days after receipt and transmit the list within five business days after the compilation date.

(c) *Exceptions to dissemination and beneficial owner information requirements.* A broker or dealer registered under section 15 of the Act shall be subject to the following with respect to its dissemination and beneficial owner information requirements.

(1) With regard to beneficial owners of exempt employee benefit plan securities, the broker or dealer shall:

(i) Not include information in its response pursuant to paragraph (b)(1) of this section or forward proxies (or in lieu thereof requests for voting instructions), proxy soliciting material, information statements, or annual reports to security holders pursuant to paragraph (b)(2) of this section to such beneficial owners; and

(ii) Not include in its response, pursuant to paragraph (b)(3) of this section, date concerning such beneficial owners.

(2) A broker or dealer need not satisfy:

(i) Its obligations under paragraphs (b)(2) and (b)(3) of this section if a registrant does not provide assurance of reimbursement of the broker's or dealer's reasonable expenses, both direct and indirect, incurred in connection with performing the obligations imposed by paragraphs (b)(2) and (b)(3) of this section; or

(ii) Its obligation under paragraph (b)(2) of this section to forward annual reports to non-objecting beneficial owners identified by the broker or dealer, through its agent or directly, pursuant to paragraph (b)(3) of this section if the registrant notifies the broker or dealer pursuant to § 240.14a–13(c) or § 240.14c–7(c) that the registrant will mail the annual report to such non-objecting beneficial owners identified by the broker or dealer and delivered in a list to the registrant pursuant to paragraph (b)(3) of this section.

(3) Reasonable expenses under paragraph (c)(2) of this section may include a surcharge for the obligations under paragraphs (b)(2) and (b)(3) of this section for each set of proxy materials of investment companies registered under the Investment Company Act of 1940 or of information statements mailed to beneficial owners at the rate of $.20 for each such set of proxy materials or information statements in the first year and $.185 for each such set of proxy materials or information statements in the second year following [the effective date of the obligations under paragraphs (b)(2) and (b)(3) of this section].

5. By revising § 240.14b–2 to read as follows:

§ 240.14b–2 Obligation of banks, associations and other entities that exercise fiduciary powers in connection with the prompt forwarding of certain communications to beneficial owners.

(a) *Definitions.* Unless the context otherwise requires, all terms used in this section shall have the same meanings as in the Act and, with respect to proxy soliciting material, as in § 240.14a–1 thereunder and, with respect to information statements, as in § 240.14c–1 thereunder. In addition, as used in this section, the following terms shall apply:

(1) The term *bank* means a bank, association, or other entity that exercises fiduciary powers.

(2) The term *beneficial owner* includes any person who has or shares, pursuant to an instrument, agreement, or otherwise, the power to vote, or to direct the voting of a security.

Note 1: If more than one person shares voting power, the provisions of the instrument creating that voting power shall govern with respect to whether consent to disclosure of beneficial owner information has been given.

Note 2: If more than one person shares voting power or if the instrument creating that voting power provides that such power shall be exercised by different persons depending on the nature of the corporate action involved, all persons entitled to exercise such power shall be deemed beneficial owners; *Provided, however,* that only one such beneficial owner need be designated among the beneficial owners to receive proxies or requests for voting instructions, other proxy soliciting material, information statements, and/or annual reports to security holders, if the person so designated assumes the obligation to disseminate, in a timely manner, such materials to the other beneficial owners.

(3) The term *registrant* means:

(i) The issuer of a class of securities registered pursuant to section 12 of the Act; or

(ii) An investment company registered under the Investment Company Act of 1940.

(b) *Dissemination and beneficial owner information requirements.* A bank shall comply with the following requirements for disseminating certain communications to registrants.

(1) The bank shall:

(i) Respond, by first class mail or other equally prompt means, directly to the registrant, no later than one business day after the date it receives an inquiry made in accordance with § 240.14a–13(a) or § 240.14c–7(a) by indicating the name and address of each of its respondent banks that holds the registrant's securities on behalf of beneficial owners, if any; and

(ii) Respond, by first class mail or other equally prompt means, directly to the registrant no later than seven business days after the date it receives an inquiry made in accordance with § 240.14a–13(a) or § 240.14c–7(a) by indicating, by means of a search card or otherwise:

(A) The approximate number of customers of the bank who are beneficial owners of the registrant's securities that are held of record by the bank or its nominee;

(B) If the registrant has indicated, pursuant to § 240.14a–13(a)(1)(ii)(A) or § 240.14c–7(a)(1)(ii)(A), that it will distribute the annual report to security holders to beneficial owners of its securities whose names, addresses, and securities positions are disclosed pursuant to paragraphs (b)(4) (ii) and (iii) of this section:

(1) With respect to customer accounts opened on or before December 28, 1986, the number of beneficial owners of the registrant's securities who have affirmatively consented to disclosure of their names, addresses, and securities positions; and

(2) With respect to customer accounts opened after December 28, 1986, the number of beneficial owners of the registrant's securities who have not objected to disclosure of their names, addresses, and securities positions; and

(C) The identity of its designated agent, if any, acting on its behalf in fulfilling its obligations under paragraphs (b)(4) (ii) and (iii) of this section; *Provided, however,* That, if the bank or respondent bank has informed the registrant that a designated office(s) or department(s) is to receive such inquiries, receipt for purposes of paragraphs (b)(1) (i) and (ii) of this section shall mean receipt by such designated office(s) or department(s).

(2) Where proxies are solicited, the bank shall, within five business days after the record date:

(i) Excuse an omnibus proxy, including a power of substitution, in favor of its respondent banks and forward such proxy to the registrant; and

(ii) Furnish a notice to each respondent bank in whose favor an omnibus proxy has been executed that it has executed such a proxy, including a power of substitution, in its favor pursuant to paragraph (b)(2)(i) of this section.

(3) Upon receipt of the proxy, other proxy soliciting material, information statement, and/or annual reports to security holders, the bank shall forward such materials to each beneficial owner on whose behalf it holds securities, no later than five business days after the date it receives such material and, where a proxy is solicited, the bank shall forward, with the other proxy soliciting material and/or the annual report, either:

(i) A properly executed proxy:

(A) Indicating the number of securities held for such beneficial owner;

(B) Bearing the beneficial owner's account number or other form of identification, together with instructions as to the procedures to vote the securities;

(C) Briefly stating which other proxies, if any, are required to permit securities to be voted under the terms of the instrument creating that voting power or applicable State law; and

(D) Being accompanied by an envelope addressed to the registrant or its agent, if not provided by the registrant; or

(ii) A request for voting instructions (for which registrant's form of proxy may be used and which shall be voted by the bank or respondent bank in accordance with the instructions received), together with an envelope addressed to the bank or respondent bank.

(4) The bank shall:

(i) Respond, by first class mail or other equally prompt means, directly to the registrant no later than one business day after the date it receives an inquiry made in accordance with § 240.14a–13(b)(1) or § 240.14c–7(b)(1) by indicating the name and address of each of its respondent banks that holds the registrant's securities on behalf of beneficial owners, if any;

(ii) Through its agent or directly, provide the registrant, upon the registrant's request, and within the time specified in paragraph (b)(4)(iii) of this section, with the names, addresses, and securities position, compiled as of a date specified in the registrant's request which is no earlier than five business days after the date the registrant's request is received, of:

(A) With respect to customer accounts opened on or before December 28, 1986, beneficial owners of the registrant's securities on whose behalf it holds securities who have consented affirmatively to disclosure of such information, subject to paragraph (b)(5) of this section; and

(B) With respect to customer accounts opened after December 28, 1986, beneficial owners of the registrant's securities on whose behalf it holds securities who have not objected to disclosure of such information; *Provided, however,* That if the bank or respondent bank has informed the registrant that a designated office(s) or department(s) is to receive such requests, receipt for purposes of paragraphs (b)(4) (i) and (ii) of this section shall mean receipt by such designated office(s) or department(s); and

(iii) Through its agent or directly, transmit the data specified in paragraph (b)(4)(ii) of this section to the registrant no later than five business days after the date specified by the registrant.

Note 1: Where a bank or respondent bank employs a designated agent to act on its behalf in performing the obligations imposed on it by paragraphs (b)(4) (ii) and (iii) of this section, the five business day time period for

determining the date as of which the beneficial owner information is to be compiled is calculated from the date the designated agent receives the registrant's request. In complying with the registrant's request for beneficial owner information under paragraphs (b)(4) (ii) and (iii) of this section, a bank or respondent bank need only supply the registrant with the names, addresses and securities positions of affirmatively consenting and non-objecting beneficial owners.

Note 2: If a bank or respondent bank receives a registrant's request less than five business days before the requested compilation date, it must provide a list compiled as of a date that is no more than five business days after receipt and transmit the list within five business days after the compilation date.

(5) For customer accounts opened on or before December 28, 1986, unless the bank has made a good faith effort to obtain affirmative consent to disclosure of beneficial owner information pursuant to paragraph (b)(4)(ii) of this section, the bank shall provide such information as to beneficial owners who do not object to disclosure of such information. A good faith effort to obtain affirmative consent to disclosure of beneficial owner information shall include, but shall not be limited to, making an inquiry:

(i) Phrased in neutral language, explaining the purpose of the disclosure and the limitations on the registrant's use thereof;

(ii) Either in at least one mailing separate from other account mailings or in repeated mailings; and

(iii) In a mailing that includes a return card, postage paid enclosure.

(c) *Exceptions to dissemination and beneficial owner information requirements.* The bank shall be subject to the following with respect to its dissemination and beneficial owner requirements.

(1) With regard to beneficial owners of exempt employee benefit plan securities, the bank shall not:

(i) Include information in its response pursuant to paragraph (b)(1) of this section; or forward proxies (or in lieu thereof requests for voting instructions), proxy soliciting material, information statements, or annual reports to security holders pursuant to paragraph (b)(3) of this section to such beneficial owners; or

(ii) Include in its response pursuant to paragraphs (b)(4) and (b)(5) of this section data concerning such beneficial owners.

(2) The bank need not satisfy:

(i) Its obligations under paragraphs (b)(2), (b)(3), and (b)(4) of this section if a registrant does not provide assurance of reimbursement of its reasonable expenses, both direct and indirect, incurred in connection with performing the obligations imposed by paragraphs (b)(2), (b)(3), and (b)(4) of this section; or

(ii) Its obligation under paragraph (b)(3) of this section to forward annual reports to consenting and non-objecting beneficial owners identified pursuant to paragraphs (b)(4) (ii) and (iii) of this section if the registrant notifies the bank or respondent bank, pursuant to § 240.14a–13(c) or § 240.14c–7(c), that the registrant will mail the annual report to beneficial owners whose names addresses and securities positions are disclosed pursuant to paragraphs (b)(4) (ii) and (iii) of this section.

(3) For the purposes of determining the fees which may be charged to registrants pursuant to § 240.14a–13(b)(5), § 240.14c–7(a)(5), and paragraph (c)(2) of this section for performing obligations under paragraphs (b)(2), and (b)(3), and (b)(4) of this section:

(i) An amount no greater than that permitted to be charged by brokers or dealers for reimbursement of their reasonable expenses, both direct and indirect, incurred in connection with performing the obligations imposed by paragraphs (b)(2) and (b)(3) of § 240.14b–1, shall be deemed to be reasonable; and

(ii) Reasonable expenses may include a surcharge for the obligations under paragraphs (b)(2) and (b)(3) of this section for each set of proxy materials of investment companies registered under the Investment Company Act of 1940 or of information statements mailed to beneficial owners at the rate of $.20 for each such set of proxy materials or information statements in the first year and $.185 for each such set of proxy materials or information statements in the second year following (the effective date of the obligations under paragraphs (b)(2) and (b)(3) of this section).

6. By amending § 240.14c–1 to revise paragraph (j) to read as follows:

§ 240.14c–1 Definitions.

* * * * *

(j) *Registrant.* The term *registrant* means:

(1) The issuer of a class of securities registered pursuant to section 12 of the Act; or

(2) An investment company registered under the Investment Company Act of 1940.

* * * * *

7. By amending § 240.14c–2 to revise the introductory text of paragraph (a) to read as follows:

§ 240.14c–2 Distribution of information statement.

(a) In connection with every annual or other meeting of the holders of a class of securities registered pursuant to section 12 of the Act or of a class of securities issued by an investment company registered under the Investment Company Act of 1940, including the taking of corporate action with the written authorization or consent of the holders of a class of securities so registered or issued, the registrant of such securities shall transmit a written information statement containing the information specified in Schedule 14C (§ 240.14c–101) or written information statements included in registration statements filed under the Securities Act of 1933 on Form S–4 or F–4 (§ 239.25 or § 239.34 of this chapter) or Form N–14 (§ 239.23 of this chapter), and containing the information specified in such form, to every security holder of the class that is entitled to vote or give an authorization or consent in regard to any matter to be acted upon and from whom a proxy, authorization or consent is not solicited on behalf of the registrant pursuant to section 14(a) of the Act, *Provided, however,* That:

* * * * *

8. By amending § 240.14c–7 to remove the "and" after paragraph (a)(1)(i)(B); to redesignate paragraph (a)(1)(i)(C) as paragraph (a)(1)(i)(D) and to add a new paragraph (a)(1)(i)(C); to redesignate paragraphs (a)(3) and (a)(4) as (a)(4) and (a)(5) and to add a new paragraph (a)(3); and to revise Note 3 to paragraph (a) to read as follows:

§ 240.14c–7 Providing copies of material for certain beneficial owners.

(a) * * *

(1) * * *

(i) * * *

(C) If the record holder or respondent bank has an obligation under § 240.14b–1(b)(3) or § 240.14b(b)(4) (ii) and (iii), whether an agent has been designated to act on its behalf in fulfilling such obligation, and, if so, the name and address of such agent; and

* * * * *

(a) * * *

(3) Make the inquiry required by paragraph (a)(1) of this section on the earlier of:

(i) At least 20 business days prior to the record date of the meeting of security holders or the record date of written consents in lieu of a meeting; or

(ii) At least 20 business days prior to the date the information statement is required to be sent or given pursuant to § 240.14c–2(b); *Provided, however,* That, if a record holder or respondent bank

has informed the registrant that a designated office(s) or department(s) is to receive such inquiries, the inquiry shall be made to such designated office(s) or department(s);

* * * * *

Note 3: The attention of registrants is called to the fact that each broker, dealer, bank, association, and other entity that exercises fiduciary powers has an obligation pursuant to § 240.14b–1 and § 240.14b–2 (except as provided therein with respect to exempt employee benefit plan securities held in nominee name) and, with respect to brokers and dealers, applicable self-regulatory organization requirements to obtain and forward, within the time periods prescribed therein, (a) information statements to beneficial owners on whose behalf it hold securities, and (b) annual reports to security holders to beneficial owners on whose behalf it holds securities, unless the registrant has notified the record holder or respondent bank that it has assumed responsibility to mail such material to beneficial owners whose names, addresses, a den securities positions are disclosed pursuant to § 240.14b–1(b)(3) and § 240.14b–2(b)(4) (ii) and (iii).

* * * * *

9. By further amending § 240.14v–7 as follows:

§ 240.14c–7 [Amended]

(A) In paragraphs (a)(1)(ii)(A), the introductory text of (b), and (c) remove the reference to "§ 240.14b–1(c) and § 240.14b–2(e) (2) and (3)" and add in its place "§ 240.14b–1(b)(3) and § 240.14b–2(b)(4) (ii) and (iii)";

(B) In paragraph (a)(2) remove the reference to "§ 240.14b–2(a)(1)" and add in its place "§ 240.14b–2(b)(1)(i)"; and

(C) In paragraph (b)(1) remove the reference to "§ 240.14b–2(e)(1)" and add in its place "§ 240.14b–2(b)(4)(i)".

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

10. The authority citation for part 270 continues to read as follows:

Authority: 15 U.S.C. 80a–1 *et seq.*, 80a–37, 80a–39 unless otherwise noted;

* * * * *

11. By amending § 270.20a–1 to add an instruction at the end of paragraph (c) to read as follows:

§ 270.20a–1 Solicitation of proxies, consents and authorizations.

* * * * *

Instruction. Registrants holding security holder votes for which proxies, consents, or authorizations are not being solicited pursuant to the requirements of this section should refer to section 14(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78n(c)) and the information statement requirements set forth in the rules thereunder.

Dated: August 15, 1991.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–20019 Filed 8–21–91; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 685

[Docket No. 910800–1200]

RIN 0648–AD97

Pelagic Fisheries of the Western Pacific Region

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule.

SUMMARY: The Secretary of Commerce (Secretary) issues this proposed rule to implement Amendment 4 to the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region (FMP). This rule would extend for two and one-half years a moratorium on the issuance of new permits to participate in the Hawaii-based longline fishery for management unit species. This action is necessary to maintain a period of stability for the fishery so that the Western Pacific Fishery Management Council (Council) and NMFS can complete a comprehensive long-term management regime. The emergency moratorium now in place will expire October 10, 1991, under the time limits set by the Magnuson Fishery Conservation and Management Act (Magnuson Act). This proposed rule would continue the requirements imposed by the emergency rule as modified.

DATES: Comments on the proposed rule must be received on or before October 7, 1991.

ADDRESSES: Send comments on the proposed rule and the plan amendment to E.C. Fullerton, Director, Southwest Region, NMFS, 300 South Ferry Street, Terminal Island, CA 90731. Copies of Amendment 4 are available from Kitty B. Simonds, Executive Director, Western Pacific Fishery Management Council, suite 1405, 1164 Bishop Street, Honolulu, HI 96813 (808–523–1368) or FTS (551–1974).

Send comments on the proposed collection of information to the Director, Southwest Region, NMFS (see above), and to the Office of Information and Regulatory Affairs, Office of Management and Budget, ATTN: Paperwork Reduction Project 0648–0204. Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Svein Fougner, Fisheries Management Division, Southwest Region, NMFS, Terminal Island, California (213) 514–6660; or Alvin Katekaru, Pacific Area Office, Southwest Region, NMFS, Honolulu, Hawaii (808) 955–8831.

SUPPLEMENTARY INFORMATION: The FMP was approved by the Secretary at a time when there were few problems in the domestic fisheries for management unit species (billfish and associated species). This is no longer the case. Due to rapid growth in the longline fishery in Hawaii, which targets on management unit species and tuna, there are serious concerns about the status of the stocks, the impact of increased longline catches on other fisheries, and interactions between longline fishing and protected species such as Hawaiian monk seals.

Faced with these concerns and recognizing that the information base was not sufficient to address these new concerns, the Council established a control date of June 21, 1990, for possible use in determining eligibility for permits should the Council proceed with development of a limited entry program for the fishery (55 FR 30491, July 26, 1990). It was hoped this would slow the rate of growth in the fishery as prospective entrants would perceive an economic risk with entry to the fishery after the control date.

The Council also prepared, and the Secretary approved and implemented, a FMP amendment establishing permit and logbook requirements for domestic longline and transshipping vessels using the fishery management area under the FMP (56 FR 24731, May 31, 1991).

The longline fleet continued to expand rapidly and this rapid growth, combined with evidence of interactions with Hawaiian monk seals, led to (1) an emergency rule to close certain waters around the Northwestern Hawaiian Islands (NWHI) to longline fishing, (2) an emergency rule imposing a moratorium on the issuance of new permits for the longline fishery based in Hawaii, and (3) an emergency rule to reduce conflicts off the Main Hawaiian Islands. The reasons for the actions are described in considerable detail in the emergency rules published at 56 FR 15842 (April 18, 1991), 56 FR 14866 (April 12, 1991), and 56 FR 28116 (June 19, 1991) respectively, and will not be repeated here. Amendment 3 (now under consideration by the Secretary) would continue to restrict longline fishing around the NWHI. Amendment 4, which this proposed rule would implement,

would continue the moratorium on new permits.

There are three concerns addressed by this proposed amendment. First, there is concern that the dramatically increased level of longline fishing harvest from the portion of the exclusive economic zone (EEZ) around Hawaii will have an impact on the stocks of management unit species. Although some of these species range far beyond the EEZ so that harvests in the EEZ might have minimal impact on the stocks, this may not be the situation for other species. Further, the increased U.S. harvest is not taking the place of foreign harvests beyond the EEZ; it is adding to the cumulative harvest of these stocks. Whether this incremental harvest is having or will have an effect on the stocks is not known. The Council and NMFS are planning a series of studies, supported in part by new data collection programs under Amendment 2 to the FMP, to assess the status of stocks within and beyond the EEZ.

Second, there is concern that even if stocks are not affected on a stock-wide basis, the increased catches by U.S. longline vessels may adversely affect established commercial and recreational handline and troll fisheries. The longline fishery may be intercepting migrating fish that would have been harvested by other gear types. In addition, there are concerns about gear conflicts, as increased numbers of vessels try to fish in proximity to each other. The troll and handline fisheries have long supplied local markets in Hawaii and make significant contributions to the economy in Hawaii. Existing information is not adequate to determine the extent and impacts of the interaction between these fishery sectors. The Council and NMFS will study this during the moratorium.

Third, there is concern that the risk of adverse impacts on threatened and endangered species such as the Hawaiian monk seal will increase as the longline fleet grows. A moratorium on new permits will arrest the growth of the fleet and, in combination with the current area closures, should minimize the risk of interactions.

The extended moratorium (for a total of 3 years including the emergency moratorium period) is intended to provide a period of stability in the longline sector of the fishery while the Council and NMFS work with all fishery participants in developing a comprehensive, long-term management regime for the pelagic species fishery. The planning process includes substantial new data collection, supported by the general permit and logbook requirements now in place, and new data analyses to investigate the impacts of harvests upon the stocks and upon other fishery sectors. The long-range plan will be the subject of public hearings and Council meetings, and the Council will receive advice from its Plan Monitoring Team, Scientific and Statistical Committee, and Pelagics Advisory Subpanel.

The proposed rule is not significantly different from the emergency moratorium rule, as extended and amended (56 FR 28718, June 24, 1991). Permit eligibility criteria are set by the amendment. Permits can be issued only to a person, for a particular vessel, who certifies and provides documentation to demonstrate that he or she:

1. Was owner of the vessel when it made landings in Hawaii of longline-caught management unit species prior to December 5, 1990;

2. Was the owner of the vessel when it engaged in transshipment of longline-caught management unit species in waters shoreward of the outer boundary of the EEZ around Hawaii prior to December 5, 1990;

3. Made a substantial financial commitment or investment (more than $25,000) prior to December 5, 1990, for gear to equip a vessel owned by that person and located in Hawaii by December 5, 1990, so that the vessel could participate in the longline fishery;

4. Made a substantial commitment or investment (more than $25,000) by June 21, 1990, for the purchase or construction of a new vessel for participation in the fishery and intended at the time of the investment that the vessel would be used in the fishery;

5. Made a substantial financial commitment or investment (more than $25,000) by June 21, 1990, in the refitting of a vessel for participation in the fishery and intended at the time of the investment that the vessel would be used in the fishery;

6. Was the owner of the vessel, properly permitted under the regulations implementing the Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region, when it made landings of lobster from the Northwestern Hawaiian Islands in 1990.

There are two types of permits issued: (1) For vessels that are categorized as receiving vessels, i.e., do not have fishing gear on board but have management unit species on board; and (2) for vessels that have fishing gear on board and that fish for, possess, retain, or land management unit species. These two types of permits are not interchangeable.

The rule also provides that a person holding a limited entry permit may transfer the permit with the sale of the vessel one time during the combined 3-year moratorium period. A person who obtains a permit through such a sale generally cannot resell the permit with the vessel in this period, except in the case of extreme hardship as discussed below. The rule provides that a permit may be held by a partnership or corporation for a vessel owned by the partnership or corporation, but if 50 percent or more of the ownership of the holding partnership or corporation changes, that constitutes a transfer of the permit. Layering of corporations and partnerships will not prevent the application of this provision.

The rule provides that permits also may be transferred with transfer of the ownership of the vessel in cases of extreme hardship such as death or terminal illness preventing the owner from participating in the fishery. The Regional Director determines whether an extreme hardship condition exists.

Further, the holder of a permit may transfer the permit without limitation to a replacement vessel owned by the same person so long as the Regional Director determines that the replacement vessel has a harvesting capacity that is comparable to the original vessel. Vessel length, range, hold capacity, gear limitations and other factors will be considered in making determinations of comparability of different vessels' harvesting capacity.

A vessel permit would remain valid only if notice and documentation are provided to the Regional Director within 30 days of the change in ownership of a permitted vessel.

The proposed rule would require a permit applicant to submit complete documentation with permit applications to establish that the applicant meets the eligibility criteria for permits. Documentation may include invoices and receipts for purchases of gear, contracts for refitting vessels, contracts for purchase or construction of vessels, lists of the owners of corporations or partnerships applying for permits and the share of the corporation or partnership that each individual person owns at the time of permit application, and evidence of vessel ownership by applicants. The specific information to be provided by each applicant (if any cannot be determined in advance as each situation is likely to be different. This is necessary to ensure that permits are issued only to those who are owners meeting the permit eligibility criteria for the program.

The amendment also provides a procedure by which the Council and NMFS can require that longline vessels, as a condition of obtaining permits or being exempted from permit

requirements, must obtain, install and make operational an automated vessel tracking system. This procedure would involve rulemaking in the **Federal Register**, but would not require a separate FMP amendment. In this proposed rule a new § 685.15 is reserved for future codification of such provisions. If vessel tracking systems provide a certain means to ensure that non-permitted vessels are fishing only outside the EEZ, the Council and NMFS may act to exempt these vessels from the moratorium.

A test of three vessel tracking systems is scheduled for July 1991, and the results should be available for consideration at the Council meeting in August. The Council and NMFS will compare the results and evaluate the costs and benefits of alternate systems, considering such factors as the potential social and economic impacts on all pelagic fisheries, potential biological implications, the cost-effectiveness of the alternative systems, and the extent to which costs should be borne by industry and government. If the Council concludes that a system should be required, the Council will present its recommendation to the Regional Director in a report indicating the reasons for its conclusion and the supporting analysis of cost and impacts. Rulemaking would then be initiated if the Regional Director concurred with the Council's recommendation. If the Regional Director disagreed, the Council would be so advised with the reasons for disapproval and recommendations (if any) for further action. Thus, the vessel tracking system requirement could be instituted without an FMP amendment.

The rule adds a definition of "fish dealer" and provides that fish dealers must make available to authorized officers for inspection and copying records of their transactions involving vessels regulated under this part available to authorized officers for inspection and copying. This is necessary to facilitate enforcement of the rule. Inspection and copying of records is often necessary to document unlawful fishing or landings by vessels without valid permits.

Finally, this rule would require prospective limited entry permit applicants to file applications within 90 days of publication of the final rule in the **Federal Register**.

Classification

Section 3034(a)(1)(D)(ii) of the Magnuson Act requires the Secretary to publish regulations proposed by a council within 15 days of the receipt of an amendment and proposed regulations. At this time, the Secretary has not determined that Amendment 4 is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the information, views, and comments received during the comment period.

An environmental assessment (EA) was prepared for the emergency rule that led to the FMP amendment. The EA concluded the moratorium would not have a significant effect on the human environment and was the basis of a finding of no significant impact. There is no new information that would result in a different conclusion at this time; therefore, a new EA has not been prepared.

The Assistant Administrator for Fisheries, NOAA, has initially determined that this rule is not a "major rule" requiring a regulatory impact analysis under E.O. 12291. The final rule will not have a cumulative effect on the economy of $100 million or more, nor will it result in a major increase in costs to consumers, industries, government agencies, or geographical regions. No significant adverse impacts on competition, employment, investments, productivity, innovation, of competitiveness of U.S.-based enterprises are anticipated.

The General Counsel of the Department of Commerce has certified to the Small Business Administration that this proposed rule, if adopted, would not have a significant impact on a substantial number of small entities. This determination is based on the regulatory impact review (RIR) and analysis incorporated into the amendment. The analyses demonstrate long-term benefits to the fishery under the proposed measures. The principal burden to industry is associated with the submission of information to support permit applications. The estimated burden is about 1 hour per vessel, or not more than $50, for compiling and submitting this information. There may be a future cost if a vessel tracking system is implemented, but this would be described in a public notice soliciting comments about such a proposed requirement.

This rule would establish two new collection-of-information requirements subject to the Paperwork Reduction Act. These are modifications to the permit application requirement approved under the Southwest Region Federal Fisheries Permits collection (OMB No. 0648–0204).

Permit applicants would be required to submit documentation to demonstrate that they meet one or more permit eligibility criteria. Under the emergency moratorium, applicants have not been required to submit such documentation. It has been up to NMFS to search records and make additional inquiries to resolve doubts in cases in which the applicant indicated having made investments above the minimum amount to qualify for permits, but did not provide supporting documentation. This has caused substantial difficulty for NMFS as well as delays in processing permits for some people who ultimately qualified. The limited entry program focuses on vessel owners as the permit holders, and documentation to confirm ownership has also been difficult to trace in some cases. By requiring permit applicants to provide this documentation at the start of the process, it should be easier for NMFS to determine eligibility and issue permits, and applicants will face fewer delays in getting permits. The estimated burden under this collection is about 2 hours per application to compile records, make copies where necessary, and submit them with applications. Some cases will take longer, others will take less time.

This rule provides that a person(s) holding a limited entry permit may transfer the permit(s) (1) with the sale of the vessel one time during the combined 3-year moratorium period; (2) in cases of extreme hardship; or (3) to a replacement vessel owned by the same person(s) as long as the replacement vessel's harvesting capacity is comparable to the original vessel. Upon transfer of a permit, the transferee or partnership/corporation must apply to the Regional Director within 30 days to have the permit issued in the transferee's name(s) and at that time provide documentation of any changes in ownership or vessel information. The estimated burden under this collection is about 2 hours per transfer to compile satisfactory documentation and records of the transfer, make copies where necessary, and submit them with the transfer request.

A request for approval of these collections has been submitted to the Office of Management and Budget (OMB). Send comments on the burden estimates or any other aspect of the collections of information, including suggestions on how to reduce the burdens, to the Regional Director, Southwest Region, NMFS, and to the Office of Information and Regulatory Affairs, OMB (see **ADDRESSES**).

The Council has determined that the proposed action is consistent to the maximum extent practicable with the approved coastal zone management program of the State of Hawaii. This determination was submitted for review

by the responsible state agency under section 307 of the Coastal Zone Management Act and the State of Hawaii has concurred.

A informal consultation was conducted under section 7 of the Endangered Species Act (ESA) and it was determined that this action is not likely to adversely affect any endangered or threatened species listed under the ESA.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

List of Subjects in 50 CFR Part 685

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: August 16, 1991.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons stated in the preamble, 50 CFR part 685 is proposed to be amended as follows:

PART 685—PELAGIC FISHERIES OF THE WESTERN PACIFIC

1. The authority citation for part 685 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 685.2, a new definition for "Fish dealer" is added and the definition for "Substantial financial investment" is revised to read as follows:

§ 685.2 [Amended]

* * * * *

Fish dealer means any person who obtains, from a fishing vessel or from a receiving vessel that holds a permit issued under this part or that is otherwise regulated under this part, management unit species or portions thereof, including tuna species, whether by purchase, barter, trade, sale, consignment, or other form of commercial transaction; or who provides the facilities or recordkeeping services for such transactions (such as the services provided by a wholesale auction facility).

* * * * *

Substantial financial investment means documented expenditures of at least $25,000.

3. In § 685.5, paragraphs (o) through (r) are revised and new paragraph (v) is added, to read as follows:

§ 685.5 Prohibitions.

* * * * *

(o) Receive management unit species on board a receiving vessel that is shoreward of the outer boundary of the EEZ around Hawaii from a longline vessel that does not have on board a valid limited entry permit.

(p) Fish for, possess, retain, or land, shoreward of the outer boundary of the EEZ around Hawaii, management unit species that were taken by longline gear, unless the vessel has on board a valid limited entry permit required under § 685.15.

(q) Transfer a limited entry permit in violation of § 685.15.

(r) Fail to submit documentation required under § 685.15 (b) and (f).

* * * * *

(v) Refuse to make available to an authorized agent for inspection and copying any records that must be provided in accordance with § 685.17.

4. Section § 685.15 is revised, to read as follows:

§ 685.15 Limited entry permits.

(a) Any vessel of the United States shoreward of the outer boundary of the EEZ around Hawaii that uses longline gear to fish for management unit species, or that possesses, receives, transships, or lands management unit species that were taken by longline gear, must have a limited entry permit issued under this section on board the vessel.

(b) *Application.* All prospective permit applicants are required to file applications within 90 days of publication of the final rule in the Federal Register.

(1) A vessel owner, or an agent authorized in writing by a vessel owner to apply for a permit, must submit at least 15 days before the desired effective date an application for a limited entry permit on a form provided by the Pacific Area Office.

(2) The application must include documentation to:

(i) Identify the owner(s) of the vessel; and

(ii) Demonstrate that the vessel owner meets one or more of the eligibility criteria listed in paragraph (c) below.

(c) *Issuance.* The Regional Director will issue a limited entry permit under this section to a person for a specific vessel owned by that person if the application establishes that the person:

(1) Owned the vessel when the vessel landed longline-caught management unit species in Hawaii on or before December 5, 1990;

(2) Owned the vessel when it engaged in transshipment of longline-caught management species in waters shoreward of the outer boundary of the EEZ around Hawaii on or before December 5, 1990;

(3) Made a substantial financial commitment or investment by December 5, 1990, in longline gear for the vessel, which was owned by that person and located in Hawaii as of December 5, 1990;

(4) Made a substantial financial commitment or investment by June 21, 1990, for the construction or purchase of that specific new vessel or for the refitting of that specific existing vessel and intended at the time of the investment that the vessel would be used in the longline fishery based in Hawaii; or

(5) Owned the vessel, which held a permit for 1990 under § 681.4 of this chapter, and which in 1990 landed in Hawaii lobsters that were harvested from the Northwestern Hawaiian Islands.

(d) *Duration.* Limited entry permits issued under this section expire at 2400 hours local time on April 22, 1994, unless revoked, suspended, or modified under 15 CFR part 904.

(e) *Transfer.*

(1) A limited entry permit is valid only for the vessel for which it is issued.

(2) A limited entry permit issued under this section can be transferred with the sale of the vessel for which it was issued only once after April 23, 1991, except the Regional Director, in consultation with the Council, may allow the transfer of limited entry permits in cases of extreme hardship such as death or terminal illness preventing the vessel owner from participating in the fishery.

(3) A limited entry permit issued under this section may, without limitation, be transferred by the permit holder to a replacement vessel owned by that person, provided that the Regional Director determines that the replacement vessel has a harvesting capacity that is comparable to the original permitted vessel. Vessel length, range, hold capacity, gear limitations, and other factors shall be considered in making determinations of the comparability of vessels' harvesting capacity.

(4) Upon transfer of a permit, the transferee must apply to the Regional Director within 30 days to have the permit issued in the transferee's name and at this time provide documentation of any changes in ownership or vessel information. The transferred permit is not valid until this process is completed

(f) *Partnership or corporation ownership and transfer.*

In addition to the requirements of paragraph (e) of this section, the following provisions apply to a limited entry permit owned by or transferred to a partnership or corporation.

(1) An application for a limited entry permit filed by a partnership or corporation must identify the names of

each owner and each owner's respective percentage share of the partnership(s) or corporation(s), and must provide a copy of the corporation(s) or partnership(s) papers that confirm this ownership.

(2) A change of 50 percent or more of the ownership of a partnership or corporation will be considered a transfer. Layerings of partnerships or corporations will not insulate a permit holder from application of this criteria.

(3) If a limited entry permit is transferred to a partnership or corporation, the transferee(s) must provide satisfactory documentation of the transfer, including names of the new owners of the partnership(s) or corporation(s) holding the permit. The transferred permit is not valid until this process is completed.

5. A new § 685.16 is added to subpart A and reserved, to read as follows:

§ 685.16 Vessel position fixing device. [Reserved]

6. A new § 685.17 is added to subpart A to read as follows:

§ 685.17 Availability of records for inspection.

Any fish dealer shall provide an authorized officer access for inspecting and copying all records of fish purchases, sales, or other transactions involving fish taken or handled by vessels which have permits issued under this part or are otherwise regulated by this part, including but not limited to information concerning:

(a) The name of the vessel involved in each transaction and the owner or operator of the vessel;

(b) The amount, number, and weight of each species of fish involved in each transaction; and

(c) Prices paid by the buyer and proceeds to the seller in each transaction.

[FR Doc. 91-20108 Filed 8-19-91; 4:57 pm]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 56, No. 163
Thursday, August 22, 1991

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Human Nutrition Board of Scientific Counselors

According to the Federal Advisory Committee Act of October 1972 (Pub. L. 92–463, 86 Stat. 770–776), the USDA, Science and Education, announces the following meeting:

Name: Human Nutrition Board of Scientific Counselors Work Group.

Date: September 9–10, 1991.

Time: 8:30 a.m.–5 p.m., September 9; 8:30 a.m.–1:00 p.m., September 10.

Place: Conference Room 227, Building 005, Beltsville Agricultural Research Center West, Department of Agriculture, Beltsville, Maryland.

Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permits.

Comments: The public may file written comments before or after the meeting with the contact person below.

Purpose: To review evaluation processes for nutrition education materials.

Contact Person: Jacqueline Dupont, Executive Secretary, Human Nutrition Board of Scientific Counselors, U.S. Department of Agriculture, BARC-West, Room 132, Building 005, Beltsville, Maryland 20705. Telephone: (301) 344–3216.

Done at Beltsville, Maryland, this 12th August 1991.

Jacqueline DuPont,

Executive Secretary, Human Nutrition Board of Scientific Counselors.

[FR Doc. 91–20061 Filed 8–26–91; 8:45 am]

BILLING CODE 3410–03–M

Forms Under Review by Office of Management and Budget

August 16, 1991.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information: (1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimated of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, room 404–W Admin. Bldg., Washington, DC 20250, (202) 447–2118.

Revision

• Food and Nutrition Service.
Annual Report for the Nutrition Education and Training Program FNS–42.
Recordkeeping; Annually.
State or local governments; 57 responses; 684 hours.
Martha A. Poolton (703) 756–3554.
• Agricultural Stabilization and Conservation Service.
7 CFR 1427, CCC Cotton Loan Program Regulations and Seed Cotton Loan Regulations.
CCC-Cotton A5, CCC-Cotton A, A1, A2; CCC–837, 813, 813–1, 813–2, 809, 810, 912, 877, 879, 881, 881–1, 883, 880, 605, 605–1.
Annually.
Farms; Businesses or other for profit; 716,500 responses; 179,125 hours.
Phillip Sharp (202) 447–7988.
• Agricultural Marketing Service.
Marketing Order 932—Olives Grown in California.
Recordkeeping; On occasion; Weekly; Monthly; Annually.
Farms; Small businesses or organizations; 19,959 responses; 5,496 hours.
Patrick Packnett (202) 475–3862.

Revision

• Agricultural Marketing Service.
Irish Potatoes Grown in Southeastern States Marketing Order No. 953.
Recordkeeping; On occasions; Monthly; Annually; Every 6 years.
Farms; Businesses or other for-profit; Small businesses or organizations; 863 responses; 158 hours.
Kenneth G. Johnson (202) 447–5331.
• Agricultural Marketing Service.
7 CFR Part 54—Meat, Prepared Meats, and Meat Products (Grading, Certification, and Standards)
LS–313 and LS–315.
On occasion.
Businesses or other for-profit; 32,362 responses; 629 hours.
Evan J. Stachowicz (202) 382-1246.

Reinstatement

• Animal and Plant Health Inspection Service.
Exotic Bee Diseases and Parasites (7 CFR 319.76), Honeybees and Honeybee Semen (7 CFR 322).
On Occasion.
Farms; Businesses or other for-profit; Federal agencies or employees; Non-profit institutions; Small businesses or organizations; 270 responses; 36 hours.
Phillip Lima (301) 436-8677.
• Animal and Plant Health Inspection Service.
7 CFR 353 Phytosanitary Export Certification.
PPQ Forms 572, 577, 578, and 579.
On occasion.
Individuals or households; State or local governments; Farms; Businesses or other for-profit; Federal agencies or employees; Non-profit institutions; Small businesses or organizations; 103,750 responses; 85,553 hours.
Leonard M. Crawford (301) 436-8537.
• Animal and Plant Health Inspection Service.
Gypsy Moth—Outdoor Household Articles.
On occasion.
Individuals or households; Businesses or other for-profit; 413,000 responses; 34,721 hours.
Andrea M. Elston (301) 436-5100.
• Animal and Plant Health Inspection Service.
Request for Reimbursable Overtime Services.
APHIS Form 192.
On occasion.
Individuals or households; Businesses or other for-profit; Non-profit institutions; 2,500 responses; 208 hours.
Charles Gernert (301) 436-8785.

New Collection

• Farmers Home Administration.

Borrower Survey Questionnaire (Multi Family File System).
One time survey.
Businesses or other for-profit; Non-profit institutions; Small businesses or organizations; 1001 responses; 501 hours.
Jack Holston (202) 382-9736.

Larry K. Roberson,
Deputy Departmental Clearance Officer.

[FR Doc. 91-20087 Filed 8-21-91; 8:45 am]
BILLING CODE 3410-01-M

Forest Service

Supplement to the East Boulder Mine Project Environmental Impact Statement, Gallatin National Forest, Sweetgrass County, MT

AGENY: Forest Service, USDA.

ACTION: Notice of intent to prepare a supplement to the draft environmental impact statement.

SUMMARY: The Forest Service, in conjunction with Montana's Department of State Lands, will prepare a supplement to the East Boulder Mine Project draft environmental impact statement (DEIS) that was available to the public on May 7, 1991. The supplement is being prepared in response from a request from the proponent, Stillwater PGM Resources, to evaluate the environmental consequences of an additional alternative.

ADDRESSES Send written comments to David P. Barber, Forest Supervisor, Gallatin National Forest, P.O. Box 130, Bozeman, Montana 59771.

FOR FURTHER INFORMATION: questions about the supplement to the East Boulder Mine Project DEIS should be directed to Sherm Sollid, Geologist, Gallatin National Forest, P.O. Box 130, Bozeman, Montana 59771.

SUPPLEMENTARY INFORMATION: A draft Environmental Impact Statement was published in May 1991, which described the land, people, and environmental and social resources that would be affected by a proposed mining project in the East Boulder River valley south of Big Timber, Montana. the proposed project would consist of an underground platinum and paladium mine, a mill to process and concentrate ore, a surface mine and mill support complex, a tailing retention impoundment, access roads, and new power transmission lines. Seven alternatives, including no-action and proposed action alternatives, were developed in the draft EIS to reduce, eliminate, or mitigate environmental impacts resulting from the proposed mine project.

The supplement will address the environmental consequences of an additional alternative. Alternative 8, "Twin Production Adits", describes a method of mine access using two parallel, 13.5-foot diameter tunnels, as opposed to the single 16-foot production adit as described in the proposed action. The supplement will be tiered to the draft EIS so that review and evaluation of alternative 8 will be conducted in full consideration of the other alternatives.

The DEIS Supplement is expected to be available to the public in late August, 1991. The comment period on the supplement to the East Boulder Mine Project will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the Federal Register. The comment period for the original draft EIS will also be extended through this same period.

The Forest Service believes it is important to give reviewers notice at the early stage of several court rulings related to public participation in the environmental review process. first, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *Wisconsin Heritage, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.)

Dated: August 12, 1991.

David P. Garber,
Forest Supervisor, Gallatin National Forest.

[FR Doc. 91-20056 Filed 8-21-91; 8:45 am]
BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

[C-557-701]

Carbon Steel Wire Rod From Malaysia; Final Results of Countervailing Duty Administrative Reviews

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of Final Results of Countervailing Duty Administrative Reviews.

SUMMARY: On April 12, 1991, the Department of Commerce published the preliminary results of its administrative reviews of the countervailing duty order on carbon steel wire rod from Malaysia for the periods of April 22, 1988—December 31, 1988 and January 1, 1989—December 31, 1989. These reviews cover two manufacturers/exporters of this merchandise to the United States, Amalgamated Steel Mills, Bhd. (ASM) and Southern Iron and Steel Works Sdn. Bhd. (SISW). We have now completed these reviews and determine the total bounty or grant to be 0.03 percent *ad valorem* for the period April 22, 1988—December 31, 1988 and 0.41 percent *ad valorem* for the period January 1, 1989—December 31, 1989. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis*.

EFFECTIVE DATE: August 22, 1991.

FOR FURTHER INFORMATION CONTACT: Beth Chalecki or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On April 12, 1991, the Department of Commerce (the Department) published in the Federal Register the preliminary results of its administrative reviews of the countervailing duty order on carbon steel wire rod from Malaysia (56 FR 14927). We have now completed these administrative reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of Review

Imports covered by this review are shipments from Malaysia of carbon steel wire rod, a coiled, semi-finished, hot rolled carbon steel product of approximately round solid cross-section, not under 0.20 inch in diameter, not over 0.74 inch in diameter, tempered or not tempered, treated or not treated, not manufactured or partly manufactured. Through 1988, such merchandise was classifiable under Tariff Schedules of the United States Annotated (TSUSA) item numbers 607.1400, 607.1710, 607.1720, 607.1730, 607.2200, and 607.2300

These products are currently classifiable under item numbers 7213.20.00, 7213.31.30, 7213.31.60, 7213.39.00, 7213.41.30, 7213.41.60, 7213.49.00, and 7213.50.00 of the Harmonized Tariff Schedule (HTS). The TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

These reviews cover two manufacturers/exporters to the United States of the subject merchandise and the periods April 22, 1988—December 31, 1988 and January 1, 1989—December 31, 1989.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received one written comment from the respondents (the Government of Malaysia, ASM, and SISW).

Comment: Respondents argue that the Department overstated the effective BA (Bankers' Acceptance) rate used as a benchmark in the ECR program. Since the BA rate applies to a 90-day financing instrument, respondents claim that interest is prepaid quarterly. Therefore, the assumption of an annual prepayment of interest made in the Department's calculations is inappropriate. Accordingly, in the final results, the Department should adopt an adjustment methodology that reflects the actual term of the benchmark financing.

Department's Position: We agree with respondents and have adjusted our calculations accordingly. In addition, in our final calculations, we have also corrected the 1988 exchange rate from 2.6188 to 2.555 Malaysian ringgit/U.S. dollar, to reflect the exchange rate actually used by ASM at the time of the relevant sales (see Verification Report p. 13). We also amended the value of the 1988 ASM exports of wire rod to the United States to include only exports falling within the review period.

As a result of these changes, the total bounty or grant for the 1988 review remains unchanged. The total bounty or grant for the 1989 review changes from 0.46 to 0.41 percent *ad valorem.*

Final Results of Review

As a result of our reviews, we determine the total bounty or grant to be 0.03 percent *ad valorem* during the period April 22, 1988 through December 31, 1988 and 0.41 percent *ad valorem* during the period January 1, 1989 through December 31, 1989. In accordance with 19 CFR 355.7, any benefit less than 0.50 percent *ad valorem* is *de minimis.*

The Department will instruct the Customs Service to liquidate, without regard to countervailing duties, all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after April 22, 1988 and exported on or before December 31, 1989.

The Department will also instruct the Customs Service to waive cash deposits of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act, on all shipments of this merchandise which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This waiver of deposit requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with sections 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: August 15, 1991.

Eric A. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-20161 Filed 8-21-91; 8:45 am]

BILLING CODE 3510-DS-M

[C-533-063]

Preliminary Results of Countervailing Duty Administrative Review: Certain Iron-Metal Castings from India

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: August 22, 1991.

FOR FURTHER INFORMATION CONTACT: Paulo F. Mendes, Office of Countervailing Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230 at (202) 377-5050.

Preliminary Results

We preliminarily determine that net subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers or exporters in India of certain iron-metal castings (castings). This review covers the period of January 1, 1989 through December 31, 1989 and the following programs:

- Pre-Shipment Export Loans
- Post-Shipment Export Loans
- Income Tax Deduction Under Section 80HHC
- International Price Reimbursement Scheme (IPRS)
- Sale of Replenishment Licenses
- Sale of Additional Import Licenses
- Cash Compensatory Support Scheme
- Use of Advance Licenses
- Market Development Assistance Grants
- Preferential Freight Rates
- Import Duty Exemptions Available to 100 Percent Export-Oriented Units
- Benefits under the Falta Free Trade Zone or other Free Trade Zones

The weighted-average net subsidies are shown in the "Preliminary Results of Review" section of this notice.

Case History

On October 16, 1980, the Department published its countervailing duty order on castings from India (45 FR 68650). The Department will publish the final results of its most recently completed administrative review for the period January 1, 1987 through December 31, 1987 concurrently with these preliminary results.

Since the notice of initiation of this administrative review (55 FR 50739, December 10, 1990), the following events have occurred. On May 13, 1991, we presented a questionnaire to the Government of India and the manufacturers and exporters of castings. We received the Government's response and all the company responses between July 15, and July 17, 1991. On July 25, 1991, we presented a supplemental questionnaire to the Government of India and to those manufacturers and exporters of castings who had responded to our first questionnaire. We received responses to the supplemental questionnaire between August 1, and August 6, 1991.

Scope of Review

Imports covered by this review are shipments of Indian manhole covers and frames, clean-out covers and frames, and catch basin grates and frames. These articles are commonly called municipal or public works castings and

are used for access to or drainage for public utility, water, and sanitary systems. During the review period, this merchandise was classifiable under Tariff Schedules of the United States Annotated (TSUSA) item numbers 657.0950 and 657.0990. This merchandise is currently classifiable under Harmonized Tariff Schedule (HTS) item numbers 7325.10.0010 and 7325.10.0050. Although the TSUSA and HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Analysis of Programs

We did not receive responses to our questionnaire from Govind Steel Company (Govind), Tirupati International (Tirupati), and Raghunath Prasad Phoolchand (Raghunath). Therefore, as the best information available, we are assigning these companies the highest subsidy rate found for any company for each program preliminarily determined to be countervailable.

When we calculate the country-wide rate we weight the individual company rates according to each company's share of exports of the subject merchandise to the United States. In this case, however we cannot include Govind, Tirupati, and Raghunath in the calculation of the country-wide rate because we have no information on the value of their exports of the subject merchandise to the United States. Therefore, these three companies are receiving separate rates, which have not been included in the calculation of the country-wide rate.

Based on our analysis of the responses to our questionnaire, we preliminarily find the following:

I. Programs Preliminarily Found to Confer Subsidies

A. Pre-Shipment Export Loans

The Reserve Bank of India, through commercial banks, provides pre-shipment or "packing" credits to exporters. With these pre-shipment loans, exporters may purchase raw materials and packing materials based on presentation of a confirmed order or letter of credit. In general, the pre-shipment loans are granted for a period of up to 180 days. Because only exporters are eligible for these pre-shipment loans, we determine that they are countervailable to the extent that they are provided at preferential rates.

During the review period, the interest rate on pre-shipment export loans up to 180 days was 9.5 percent during January and February, and 7.5 percent from March through December. Because the Government of India was unable to provide an average predominant short-term commercial rate, we used the maximum rate provided. The maximum comparable commercial interest rate during the review period for loans to small-scale industries was 15.5 percent as quoted by the Reserve Bank of India in its bulletins entitled "Report on Trend and Progress of Banking in India: 1987–1988" and "Reserve Bank of India Bulletin October 1989 (Supplement)." Since all castings manufacturers and exporters subject to this review are characterized as small-scale industries by the Indian Government, we have used this interest rate as a benchmark for the year. We compared this benchmark to the interest rate charged on pre-shipment loans under the program and found that the interest rate charged was lower than the benchmark. Therefore, we determine that loans provided under this program are countervailable.

To calculate the benefit on those preferential loans for which interest was paid during 1989, we followed the short-term loan methodology which has been applied consistently in our past determinations and is described in more detail in the Subsidies Appendix attached to the notice of Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina: Final Affirmative Countervailing Duty Determination and Countervailing Duty Order (49 FR 18006, April 26, 1984); see also, *Alhambra Foundry* v. *United States*, 626 F. Supp. 402 (CIT 1985).

We compared the amount of interest actually paid during the review period to the amount that would have been paid at the benchmark rate. The difference between these amounts is the benefit. We allocated the benefit to either total exports or exports of the subject merchandise to the United States, depending on how the pre-shipment financing was reported. On this basis, we preliminarily determine the net subsidy from this program to be 0.52 percent for all manufacturers and exporters in India of certain iron-metal castings, except for those firms listed below which have significantly different aggregate benefits. The net subsidy for these firms is as follows:

Company	Net ad valorem subsidy (percent)
Carnation Enterprise	0.65
Govind Steel Co. Ltd	0.88
Tirupati International	0.88
Raghunath Prasad Phoolchand	0.88

B. Post-Shipment Export Loans

The Reserve Bank of India, through commercial banks, provides post-shipment loans to exporters upon presentation of export documents. Post-shipment financing also includes bank discounting of foreign customer receivables. In general, post-shipment loans are granted for a period of 90 to 180 days. Because only exporters are eligible for the post-shipment loans, we determine that they are countervailable to the extent that they are provided at preferential rates.

The rate of interest for post-shipment financing was 9.5 percent during January and February, and 8.65 percent from March through December. For the reasons stated in the section on pre-shipment loans, we are using 15.5 percent as our short-term interest rate benchmark. We compared this benchmark to the interest rate charged on post-shipment export loans and found that the interest rate charged under this program was lower than the benchmark. Therefore, we determine that loans provided under this program are countervailable.

To calculate the benefit, we followed the same short-term loan methodology discussed above. We divided the benefit by the companies' total exports, exports of subject castings to all markets or exports of the subject merchandise to the United States, depending on how the post-shipment financing was reported. On this basis, we preliminarily determine the net subsidy from this program to be 1.08 percent for all manufacturers and exporters in India of castings, except for those firms listed below which have significantly different aggregate benefits. The net subsidy for these firms is as follows:

Company	Net ad valorem subsidy (percent)
Carnation Enterprise	0.33
Govind Steel Co. Ltd	3.20
Tirupati International	3.20
Raghunath Prasad Phoolchand	3.20

C. Income Tax Deduction Under Section 80HHC

For tax returns filed in 1989, the Government of India allowed exporters to claim two tax deductions related to their export sales. The first deduction was derived by taking four percent of the net foreign exchange realized by the company. The second deduction was equal to fifty percent of a company's

export profit minus the amount of the first deduction.

Because this program is only available to exporters, we preliminarily determine it to be countervailable. To calculate the benefit, we multiplied the income tax deductions of each company claiming the benefit by the corporate income tax rate and divided the result by total exports. (Based on the questionnaire responses, it is not clear if one company, Uma Iron and Steel Company (Uma), benefited under this program. We intend to seek clarification of this issue prior to the issuance of the final results in this proceeding.)

We preliminarily determine the net subsidy from this program to be 0.63 percent *ad valorem* for all manufacturers and exporters in India of castings, except for those firms listed below which have significantly different aggregate benefits. The net subsidy for these firms is as follows:

Company	Net ad valorem subsidy (percent)
Carnation Enterprise	14.49
Govind Steel Co. Ltd	14.49
Tirupati International	14.49
Raghunath Prasad Phoolchand	14.49

D. Sale of Additional Licenses

Additional licenses are available to companies designated as Export/Trading Houses. To be designated as an Export/Trading House, a company must have achieved a certain level of export performance over a three-year period. An additional license permits its holder to import a relatively wide variety of items in an amount equal to ten percent of the "net foreign exchange"earned in the previous year. Imports under an additional license are subject to customs duties and there is no obligation to export the products incorporating the imported inputs. If a recipient does not use the license, it can be sold for a premium. All the respondent companies, except Crescent Foundry Company (Crescent), Calcutta Iron & Engg. (Calcutta), Prudential Marketing (Prudential), and Overseas Iron Foundry (Overseas), sold additional licenses during the review period.

Because only exporters receive additional licenses based on their status as exporters, we have preliminarily determined that these licenses provide a countervailable subsidy, and that the benefit is equal to the proceeds resulting from the sale of these licenses.

As noted above, the amount of the license is equal to ten percent of the net foreign exchange earned by the exporter in the previous year. To compute the net foreign exchange, the value of advance and replenishment licenses (described below) issued is deducted from foreign exchange receipts. As explained elsewhere, exports of the subject merchandise appear to be primarily linked to advance licenses. Thus, in this case, additional licenses seem to benefit predominantly exports which are produced form domestically sourced inputs. Therefore, the value of additional licenses may be largely, although not entirely, attributable to exports of the non-subject merchandise.

At this point, however, we do not believe that we have adequate information in the record to calculate the benefit exclusively attributable to the subject merchandise. Therefore, for purposes of these preliminary results, we have calculated the benefit from the sales of these licenses by dividing the amounts the companies received from selling the licenses by their total exports to all markets. We intend to seek further information concerning this issue prior to the issuance of the final results in this proceeding.

We preliminarily determine the net subsidy from this program to be 0.19 percent *ad valorem* for all manufacturers and exporters in India of castings, except for those firms listed below which have significantly different aggregate benefits. The net subsidy for these firms is as follows:

Company	Net ad valorem subsidy (percent)
Carnation Enterprise	0.43
Govind Steel Co. Ltd	1.18
Tirupati International	1.18
Raghunath Prasad Phoolchand	1.18

E. Sale of Replenishment Licenses

The purpose of issuing replenishment licenses is to permit the replacement of imported inputs used in exported products. Replenishment licenses are provided to exporters after an export sale. The types and amounts of products which can be imported under a replenishment license are contingent upon the particular product exported. For example, when a company exports castings it can receive a replenishment license equal to seven percent of the export value of the castings and can use the license to import pig iron and other products. A company cannot, however, according to the questionnaire responses, receive a replenishment license on an exported product produced with inputs imported under an advance license until the export obligation of the advance license is satisfied. Replenishment licenses are different from advance licenses in three important respects: (1) They are transferable and can be sold at a premium; (2) imports made under a replenishment license do not enter the country duty-free; and (3) there is no export obligation.

According to the questionnaire responses many of the companies sold replenishment licenses during the review period. Because only exporters can receive replenishment licenses based on their status as exporters, we consider the proceeds resulting from sales of these licenses to be a countervailable subsidy. One company, Crescent, stated in this questionnaire response that it sold a replenishment license during the review period which was earned, in part, on exports of the subject castings to all markets. In its response, Crescent also provided the percentage of the license value which was earned on the exports of subject castings to all markets. To calculate the benefit attributable to the sale of this license, we multiplied the percentage of the value of the license earned on the basis of exports of the subject castings to all markets by the value of the proceeds received on the sale of the license. We then divided the resulting figure by Crescent's exports of subject castings to all markets.

Most of the other respondent companies stated that all the replenishment licenses they sold during the review period were earned on exports of non-subject merchandise. Two of the companies, Carnation Enterprise (Carnation) and Kejriwal Iron & Steel works (Kejriwal), did not indicate the basis upon which they earned the replenishment licenses they sold during the review period. However, we did not request these companies to provide this information, and, therefore, are not willing to assume that the replenishment licenses sold during the review period by these companies were earned on the exportation of the subject merchandise. We intend to seek clarification of this issue prior to the issuance of the final results in this proceeding. Therefore, we preliminarily determine that only Crescent benefited from this program during the review period.

Based on the above analysis, we preliminarily determine the net subsidy from this program to be 0.01 percent *ad valorem* for all manufacturers and exporters in India of castings, except for those firms listed below which have significantly different aggregate

benefits. The net subsidy for these firms is as follows:

Company	Net ad valorem subsidy (percent)
Carnation Enterprise	0.00
Govind Steel Co. Ltd.	0.10
Tirupati International	0.10
Raghunath Prasad Phoolchand	0.10

F. International Price Reimbursement Scheme (IPRS)

On February 9, 1981, the Government of India introduced the IPRS for exporters of products with steel inputs. The purpose of the program was to rebate the difference between higher domestic and lower international prices of steel. On September 28, 1983, the Government of India extended the IPRS to include pig iron, the primary input for the production of castings. The rebate was funded through collection of a levy on all domestic purchases of steel, pig iron and scrap. The Joint Plant Committee (JPC), a government-directed organization composed largely of pig iron and steel producers, sets domestic steel and pig iron prices. The JPC also determines the specific levy for each pig iron and steel product based on the anticipated need for these inputs in exported products.

The Engineering Export Promotion Council (EEPC), a non-profit organization funded by the Government of India and private firms, processed the claims for and disbursed the IPRS rebate. The IPRS rebate was based on the differential between domestic and international prices of pig iron, using a standard pig iron consumption factor of 110 percent of the finished castings, which includes a ten percent allowance for waste.

We consider a government program that results in the provision of an input to exporters at a price lower than to producers of domestically sold products to confer a subsidy within the meaning of section 771(5)(A) of the Act. Therefore, we preliminary determine the IPRS program to confer a countervailable export subsidy. We consider the benefit to be the entire IPRS rebate.

For any given review period, it has been our practice to consider the benefit from the IPRS program to equal the total amount of IPRS benefits received during the review period, even if some amounts received during the review period related to exports made in the previous year. One respondent, R.B. Agarwalla & Co. (Agarwalla), received one IPRS rebate during the review period. We calculated the benefit for Agarwalla by dividing the amount of the IPRS rebate received by the company's total castings exports to the U.S. during the review period.

We preliminarily determine the net subsidy from this program to be 0.16 percent *ad valorem* for all manufacturers and exporters in India of castings, except for those firms listed below which have significantly different aggregate benefits. The net subsidy for these firms is as follows:

Company	Net ad valorem subsidy (percent)
Carnation Enterprise	0.00
Govind Steel Co. Ltd.	1.06
Tirupati International	1.06
Raghunath Prasad Phoolchand	1.06

We previously verified that this program was terminated for exports of subject castings to the United States effective July 1, 1987. (Although Agarwalla received an IPRS rebate after the program was terminated, we verified in the 1987 administrative review that this late payment was due to shipping and handling difficulties that led to a disputed claim which was eventually granted.) As a result, for purposes of the cash deposit of estimated countervailing duties, we preliminarily determine the benefit from this program to be zero.

II. Programs Preliminarily Found Not To Confer Subsidies

A. Cash Compensatory Support (CCS) Program

In 1966, the Government of India established the CCS program to rebate indirect taxes on exported merchandise. The rebate for exports of castings was set at a maximum of five percent for the review period, and is paid as a percentage of the FOB invoice price.

To determine whether an indirect tax rebate system confers a subsidy, we must apply the following analysis. First, we examine whether the system is intended to operate as a rebate of indirect taxes and/or import duties. Next, we analyze whether the government properly ascertained the level of the rebate. Finally, we review whether the rebate schedules are revised periodically in order to determine if the rebate amount reflects the amount of duty and indirect taxes paid. (See, Preliminary Affirmative Countervailing Duty Determination: Textile Mill Products and Apparel from Indonesia, 49 FR 49672, December 21, 1984.)

When the rebate system meets these conditions, the Department will consider that the system does not confer a subsidy if the amount rebated for duties and/or indirect taxes on physically incorporated inputs does not exceed the fixed amount set forth in the rebate schedule for the exported product. Based on the Department's previous examination of the CCS program (see, *e.g.*, Certain Iron Metal Castings from India: Final Results of Countervailing Duty Administrative Review, 55 FR 1976, January 18, 1991), we preliminarily determine that the CCS rebate meets all the above-mentioned criteria. Furthermore, in this review we established that the rebates under this program continue to reflect reasonably the incidence of indirect taxes on inputs. On this basis, we preliminarily determine that the CCS program provides no overrebate and, therefore, is not countervailable.

It should be added that the Government of India suspended the entire CCS program, effective July 3, 1991.

B. Use of Advance Licenses

Generally, a company can receive an advance license if it has received a foreign purchase order or if it has an established history of exporting. Products imported under an advance license enter the country duty-free and the company importing under an advance license is obligated under the terms of the license to export the products produced with the duty-free imports. A product imported under an advance license does not necessarily have to be physically incorporated into the exported product. The amount of imports allowed under an advance license is closely linked to the amount of exports to be produced. Unlike additional licenses and replenishment licenses (described above), an advance license is not transferable.

During the period of review all the castings producers, except Super Castings (India) (Super Castings) and Carnation, received advance licenses. The companies used these licenses to import pig iron, an input which is physically incorporated in the production of castings. According to the questionnaire responses, some of the companies used all their castings exports to the United States to satisfy the export obligation of their advance licenses.

We consider the use of the advance licenses in this case to be the equivalent of a duty drawback program: customs duties are not paid on a physically incorporated, imported product (*i.e.*, pig

iron) used in the production of exports. Therefore, we preliminarily determine that the advance licenses are not countervailable.

III. Programs Preliminarily Determined Not To Be Used

A. Market Development Assistance Grants
B. Preferential Freight Rates
C. Import Duty Exemptions Available to 100 Percent Export-Oriented Units
D. Benefits under the Falta Free Trade Zone or other Free Trade Zones

Preliminary Results of Review

In accordance with section 355.22(d), we preliminarily determine that the following net subsidies exist for the period January 1, 1989 through December 31, 1989:

Manufacturer/Exporter	Net ad valorem subsidy (percent)
Carnation Enterprise	15.91
Govind Steel Co. Ltd	20.91
Tirupati International	20.91
Raghunath Prasad Phoolchand	20.91
All other manufacturers or exporters	2.59

Upon completion of this administrative review, the Department will issue appraisement instructions to the U.S. Customs Service. The Department also intends to instruct the U.S. Customs Service to collect cash deposits of countervailing duties on shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review in the following amounts:

Manufacturer/Exporter	Net ad valorem subsidy (percent)
Carnation Enterprise	15.91
Govind Steel Co. Ltd	19.85
Tirupati International	19.85
Raghunath Prasad Phoolchand	19.85
All other manufacturers or exporters	2.43

Public comment

In accordance with 19 CFR 355.38, we plan to hold a public hearing, if requested, on September 26, 1991, at 10:15 a.m. in room 3708, to afford interested parties the opportunity to comment on this preliminary determination. Interested parties who wish to request or to participate in the hearing must submit a request within ten days of the publication of this notice in the **Federal Register** to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B-099, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

In addition, ten copies of the business proprietary version and five copies of the nonproprietary version of case briefs must be submitted to the Assistant Secretary no later than September 17, 1991. Ten copies of the business proprietary version and five copies of the nonproprietary version of rebuttal briefs must be submitted to the Assistant Secretary no later than September 24, 1991. An interested party may make an affirmative presentation only on arguments included in that party's case or rebuttal brief. If no hearing is requested, interested parties still may comment on these preliminary results in the form of case and rebuttal briefs. Written argument should be submitted in accordance with 19 CFR and will be considered if received within the time limits specified in this notice.

This administrative review and notice are published in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: August 15, 1991.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 91-20158 Filed 8-21-91; 8:45 am]

BILLING CODE 3510-DS-M

[C-533-063]

Preliminary Results of Countervailing Duty Administrative Review: Certain Iron-Metal Castings from India

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: August 22, 1991.

FOR FURTHER INFORMATION CONTACT: Paulo F. Mendes, Office of Countervailing Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230 at (202) 377-5050.

Preliminary Results

We preliminarily determine that net subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers or exporters in India of certain iron-metal castings (castings). This review covers the period January 1, 1988 through December 31, 1988 and the following programs:

- Pre-Shipment Export Loans.
- Post-Shipment Export Loans.
- Income Tax Deduction Under Section 80HHC.
- International Price Reimbursement Scheme (IPRS).
- Sale of Additional Import Licenses.
- Cash Compensatory Support Scheme.
- Use of Advance Licenses.
- Sale of Replenishment Licenses.
- Market Development Assistance Grants.
- Preferential Freight Rates.
- Import Duty Exemptions Available to 100 Percent Export-Oriented Units.
- Benefits under the Falta Free Trade Zone or other Free Trade Zones.

The weighted-average net subsidies are shown in the "Preliminary Results of Review" section of this notice.

Case History

On October 16, 1980, the Department published its countervailing duty order on castings from India (45 FR 68650). The Department will publish the final results of its most recently completed administrative review for the period January 1, 1987 through December 31, 1987 concurrently with these preliminary results.

Since the notice of initiation of this administrative review (54 FR 48010, November 20, 1989), the following events have occurred. On May 13, 1991, we presented a questionnaire to the Government of India and the manufacturers and exporters of castings. We received the Government's response and all the company responses between July 15, 1991 and August 8, 1991. On July 25, 1991, we presented a supplemental questionnaire to the Government of India and to those manufacturers and exporters of castings who had responded to our first questionnaire. We received responses to the supplemental questionnaire between August 1, 1991 and August 5, 1991.

Scope of Review

Imports covered by this review are shipments of Indian manhole covers and frames, clean-out covers and frames, and catch basin grates and frames. These articles are commonly called municipal or public works castings and are used for access to or drainage for public utility, water, and sanitary systems. During the review period, this merchandise was classifiable under Tariff Schedules of the United States

Annotated (TSUSA) item numbers 657.0950 and 657.0990. This merchandise is currently classifiable under Harmonized Tariff Scheduled (HTS) item numbers 7325.10.0010 and 7325.10.0050. Although the TSUSA and HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Analysis of Programs

We did not receive a response to our questionnaire from Govind Steel Company (Govind). Therefore, as the best information available, we are assigning Govind the highest subsidy rate found for any company for each program preliminarily determined to be countervailable.

When we calculate the country-wide rate, we weight the individual company rates according to each company's share of exports of the subject merchandise to the United States. In this case, however, we cannot include Govind in the calculation of the country-wide rate because we have no information on the value of its exports of the subject merchandise to the United States. Therefore, Govind is receiving a separate rate, which has not been included in the calculation of the country-wide rate.

Based on our analysis of the responses to our questionnaire, we preliminarily find the following:

I. Programs Preliminarily Found To Confer Subsidies

A. Pre-Shipment Export Loans

The Reserve Bank of India, through commercial banks, provides pre-shipment or "packing" credits to exporters. With these pre-shipment loans, exporters may purchase raw materials and packing materials based on presentation of a confirmed order or letter of credit. In general, the pre-shipment loans are granted for a period of up to 180 days. Because only exporters are eligible for these pre-shipment loans, we determine that they are countervailable to the extent that they are provided at preferential rates.

During the review period, the interest rate on pre-shipment export loans up to 180 days was 9.5 percent per annum. Because the Government of India was unable to provide an average predominant short-term commercial rate, we used the maximum rate provided. The maximum comparable commercial interest rate during the review period for loans to small-scale industries was 15.5 percent as quoted by the Reserve Bank of India in its bulletin entitled "Report on Trend and Progress of Banking in India: 1987–1988." Since all castings manufacturers and exporters subject to this review are characterized as small-scale industries by the Indian Government, we have used this interest rate as a benchmark for the year. We compared this benchmark to the interest rate charged on pre-shipment loans under the program and found that the interest rate charged was lower than the benchmark. Therefore, we determine that loans provided under this program are countervailable.

To calculate the benefit on those preferential loans for which interest was paid during 1988, we followed the short-term loan methodology which has been applied consistently in our past determinations and is described in more detail in the Subsidies Appendix attached to the notice of Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina: Final Affirmative Countervailing Duty Determination and Countervailing Duty Order (49 FR 18006, April 26, 1984); see also *Alhambra Foundry* v. *United States*, 626 F. Supp. 402 (CIT 1985).

We compared the amount of interest actually paid during the review period to the amount that would have been paid at the benchmark rate. The difference between these amounts is the benefit which we allocated to the companies' total exports. On this basis, we preliminarily determine the net subsidy from this program to be 0.45 percent for all manufacturers and exporters in India of certain iron-metal castings, except for those firms listed below which have significantly different aggregate benefits. The net subsidy for these firms is as follows:

Company	Net ad valorem subsidy (percent)
Uma Iron and Steel	0.48
Govind Steel Co. Ltd.	1.11

B. Post-Shipment Export Loans

The Reserve Bank of India, through commercial banks, provides post-shipment loans to exporters upon presentation of export documents. Post-shipment financing also includes bank discounting of foreign customer receivables. In general, post-shipment loans are granted for a period of 90 to 180 days. Because only exporters are eligible for the post-shipment loans, we determine that they are countervailable to the extent that they are provided at preferential rates.

The rate of interest for post-shipment financing was 9.5 percent per annum during the review period. For the reasons stated in the section on pre-shipment loans, we are using 15.5 percent as our short-term interest rate benchmark. We compared this benchmark to the interest rate charged on post-shipment export loans and found that the interest rate charged under this program was lower than the benchmark. Therefore, we determine that loans provided under this program are countervailable.

To calculate the benefit, we followed the same short-term loan methodology discussed above. We divided the benefit by the companies' total exports, exports of subject castings to all markets or exports of the subject merchandise to the United States, depending on how the post-shipment financing was reported. On this basis, we preliminarily determine the net subsidy from this program to be 0.96 percent for all manufacturers and exporters in India of castings, except for those firms listed below which have significantly different aggregate benefits. The net subsidy for these firms is as follows:

Company	Net ad valorem subsidy (percent)
Uma Iron and Steel	1.37
Govind Steel Co. Ltd.	1.79

C. Income Tax Deduction Under Section 80HHC

For tax returns filed in 1988, the Government of India allowed exporters to claim two tax deductions related to their export sales. The first deduction was derived by taking four percent of the net foreign exchange realized by the company. The second deduction was equal to fifty percent of a company's export profit minus the amount of the first deduction.

Because this program is only available to exporters, we preliminarily determine it to be countervailable. To calculate the benefit, we multiplied the income tax deductions of each company claiming the benefit by the corporate income tax rate and divided the result by total exports.

We preliminarily determine the net subsidy from this program to be 2.21 percent *ad valorem* for all manufacturers and exporters in India of castings, except for those firms listed below which have significantly different aggregate benefits. The net subsidy for these firms is as follows:

Company	New ad valorem subsidy (percent)
Uma Iron and Steel	8.18
Govind Steel Co. Ltd	8.18

D. International Price Reimbursement Scheme (IPRS)

On February 9, 1981, the Government of India introduced the IPRS for exporters of products with steel inputs. The purpose of the program was to rebate the difference between higher domestic and lower international prices of steel. On September 28, 1983, the Government of India extended the IPRS to include pig iron, the primary input for the production of castings. The rebate was funded through collection of a levy on all domestic purchases of steel, pig iron and scrap. The Joint Plant Committee (JPC), a government-directed organization composed largely of pig iron and steel producers, sets domestic steel and pig iron prices. The JPC also determines the specific levy for each pig iron and steel product based on the anticipated need for these inputs in exported products.

The Engineering Export Promotion Council (EEPC), a non-profit organization funded by the Government of India and private firms, processed the claims for and disbursed the IPRS rebate. The IPRS rebate was based on the differential between domestic and international prices of pig iron, using a standard pig iron consumption factor of 110 percent of the finished castings, which includes a ten percent allowance for waste.

We consider a government program that results in the provision of an input to exporters at a price lower than to producers of domestically sold products to confer a subsidy within the meaning of section 771(5)(A) of the Act. Therefore, we preliminary determine the IPRS program to confer a countervailable export subsidy. We consider the benefit to be the entire IPRS rebate.

For any given review period, it has been our practice to consider the benefit from the IPRS program to equal the total amount of IPRS benefits received during the review period, even if some amounts received during the review period related to exports made in the previous year. One respondent, Super Castings (India) (Super Castings), received one IPRS rebate during the review period. We calculated the benefit for Super Castings by dividing the amount of the IPRS rebate received by the company's total castings exports to the U.S. during the review period.

We preliminarily determine the net subsidy from this program to be 0.23 percent *ad valorem* for all manufacturers and exporters in India of castings, except for those firms listed below which have significantly different aggregate benefits.

Company	New ad valorem subsidy (percent)
Uma Iron and Steel	0.00
Govind Steel Co. Ltd	2.45

We previously verified that this program was terminated for exports of subject castings to the United States effective July 1, 1987. Although Super Castings received an IPRS rebate after the program was terminated, we verified in the 1987 administrative review that this late payment related to a shipment made in June 1987.

E. Sale of Additional Licenses

Additional licenses are available to companies designated as Export/Trading Houses. To be designated as an Export/Trading House, a company must have achieved a certain level of export performance over a three-year period. An additional license permits its holder to import a relatively wide variety of items in an amount equal to ten percent of the "net foreign exchange" earned in the previous year. Imports under an additional license are subject to customs duties and there is no obligation to export the products incorporating the imported inputs. If a recipient does not use the license, it can be sold for a premium. All the respondent companies, except R.B. Agarwalla & Company (Agarwalla), Crescent Foundry Company (Crescent), Uma Iron and Steel Company (Uma), Super Castings and Select Steels (Select), sold additional licenses during the review period.

Because only exporters receive additional licenses based on their status as exporters, we have preliminarily determined that these licenses provide a countervailable subsidy, and that the benefit is equal to the proceeds resulting from the sale of these licenses.

As noted above, the amount of the license is equal to ten percent of the net foreign exchange earned by the exporter in the previous year. To compute the net foreign exchange, the value of advance and replenishment licenses (described below) is deducted from foreign exchange receipts. As explained elsewhere, exports of the subject merchandise appear to be primarily linked to advance licenses. Thus, in this case, additional licenses seem to benefit predominantly exports which are produced from domestically sourced inputs. Therefore, the value of additional licenses may be largely, although not entirely, attributable to exports of the non-subject merchandise.

At this point, however, we do not believe that we have adequate information in the record to calculate the benefit exclusively attributable to the subject merchandise. Therefore, for purposes of these preliminary results, we have calculated the benefit from the sales of these licenses by dividing the amounts the companies received from selling the licenses by their total exports to all markets. We intend to seek further information concerning this issue prior to the issuance of the final results in this proceeding.

We preliminarily determine the net subsidy from this program to be 0.35 percent *ad valorem* for all manufacturers and exporters in India of castings, except for those firms listed below which have significantly different aggregate benefits. The net subsidy for these firms is as follows:

Company	Net ad valorem subsidy (percent)
Uma Iron and Steel	0.00
Govind Steel Co. Ltd	.64

II. Programs Preliminarily Found Not To Confer Subsidies

A. Cash Compensatory Support (CCS) Program

In 1966, the Government of India established the CCS program to rebate indirect taxes on exported merchandise. The rebate for exports of castings was set at a maximum of five percent for the review period, and is paid as a percentage of the FOB invoice price.

To determine whether an indirect tax rebate system confers a subsidy, we must apply the following analysis. First, we examine whether the system is intended to operate as a rebate of indirect taxes and/or import duties. Next, we analyze whether the government properly ascertained the level of the rebate. Finally, we review whether the rebate schedules are revised periodically in order to determine if the rebate amount reflects the amount of duty and indirect taxes paid. (See, Preliminary Affirmative Countervailing Duty Determination:

Textile Mill Products and Apparel from Indonesia, 49 FR 49672, December 21, 1984.)

When the rebate system meets these conditions, the Department will consider that the system does not confer a subsidy if the amount rebated for duties and/or indirect taxes on physically incorporated inputs does not exceed the fixed amount set forth in the rebate schedule for the exported product. Based on the Department's previous examination of the CCS program (see, *e.g.*, Certain Iron Metal Castings from India: Final Results of Countervailing Duty Administrative Review, 55 FR 1976, January 18, 1991), we preliminarily determine that the CCS rebate meets all the above-mentioned criteria. Furthermore, in this review we established that the rebates under this program continue to reflect reasonably the incidence of indirect taxes on inputs. On this basis, we preliminarily determine that the CCS program provides no overrebate and, therefore, is not countervailable.

It should be added that the Government of India suspended the entire CCS program, effective July 3, 1991.

B. Use of Advance Licenses

Generally, a company can receive an advance license if it has received a foreign purchase order or if it has an established history of exporting. Products imported under an advance license enter the country duty-free and the company importing under an advance license is obligated under the terms of the license to export the products produced with the duty-free imports. A product imported under an advance license does not necessarily have to be physically incorporated into the exported product. The amount of imports allowed under an advance license is closely linked to the amount of exports to be produced. Unlike additional licenses (described above) and replenishment licenses (described below), an advance license is not transferable.

During the period of review all the castings producers, except Select, received advance licenses. The companies used these licenses to import pig iron, an input which is physically incorporated in the production of castings. According to the questionnaire responses, some of the companies used all their castings exports to the United States to satisfy the export obligation of their advance licenses.

We consider the use of the advance licenses in this case to be the equivalent of a duty drawback program: customs duties are not paid on a physically incorporated, imported product (*i.e.*, pig iron) used in the production of exports. Therefore, we preliminarily determine that the advance licenses are not countervailable.

III. Programs Preliminarily Determined Not To Be Used

A. Market Development Assistance Grants
B. Preferential Freight Rates
C. Import Duty Exemptions Available to 100 Percent Export-Oriented Units
D. Benefits under the Falta Free Trade Zone or other Free Trade Zones

E. Sale of Replenishment Licenses

The purpose of issuing replenishment licenses is to permit the replacement of imported inputs used in exported products. Replenishment licenses are provided to exporters after an export sale. The types and amounts of products which can be imported under a replenishment license are contingent upon the particular product exported. For example, when a company exports castings it can receive a replenishment license equal to seven percent of the export value of the castings and can use the license to import pig iron and other products. A company cannot, however, according to the questionnaire responses, receive a replenishment license on an exported product produced with inputs imported under an advance license until the export obligation of the advance license is satisfied. Replenishment licenses are different from advance licenses in three important respects: (1) They are transferable and can be sold at a premium; (2) imports made under a replenishment license do not enter the country duty-free; and (3) there is no export obligation.

According to the questionnaire responses, many of the companies sold replenishment licenses during the review period. Because only exporters can receive replenishment licenses based on their status as exporters, we would normally consider the proceeds resulting from sales of these licenses to be a countervailable subsidy. However, some of the respondent companies stated that all the replenishment licenses they sold during the review period were earned on exports of non-subject merchandise. For these companies, we preliminarily determine that this program was not used.

Three of the companies, Carnation Enterprise, Kejriwal Iron & Steel Works and Uma, did not indicate the basis upon which they earned the replenishment licenses they sold during the review period. However, we did not request these companies to provide this information and, therefore, are not willing to assume that the replenishment licenses sold during the review period by these companies were earned on the exportation of the subject merchandise. We intend to seek clarification of this issue prior to the issuance of the final results in this proceeding.

Preliminary Results of Review

In accordance with § 355.22(d), we preliminarily determine that the following net subsidies exist for the period January 1, 1988 through December 31, 1988:

Manufacturer/exporter	Net ad valorem subsidy (percent)
Uma Iron and Steel	10.03
Govind Steel Co. Ltd	14.16
All other manufacturers or exporters	4.20

Upon completion of this administrative review, the Department will issue appraisement instructions to the U.S. Customs Service. The preliminary rates for deposits of estimated countervailing duties on future entries of the subject merchandise are set forth in the Notice of Preliminary Results of this review for the period January 1, 1989 to December 31, 1989 issued contemporaneously with this notice.

Public Comment

In accordance with 19 CFR 355.38, we plan to hold a public hearing, if requested, on September 26, 1991, at 2:15 p.m. in room 3708, to afford interested parties the opportunity to comment on this preliminary determination. Interested parties who wish to request or to participate in the hearing must submit a request within ten days of the publication of this notice in the Federal Register to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B-099, 14th Street and Constitution Avenue NW., Washington, DC 20230. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

In addition, ten copies of the business proprietary version and five copies of the nonproprietary version of case briefs must be submitted to the Assistant Secretary no later than September 17, 1991. Ten copies of the business proprietary version and five copies of the nonproprietary version of rebuttal

briefs must be submitted to the Assistant Secretary no later than September 24, 1991. An interested party may make an affirmative presentation only on arguments included in that party's case or rebuttal brief. If no hearing is requested, interested parties still may comment on these preliminary results in the form of case and rebuttal briefs. Written argument should be submitted in accordance with section 19 CFR and will be considered if received within the time limits specified in this notice.

This administrative review and notice are published in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: August 15, 1991.

Joseph A. Spetrini

Acting Assistant Secretary for Import Administration.

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[C-533-063]

Final Results of Countervailing Duty Administrative Review: Certain Iron-Metal Castings From India

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: August 22, 1991.

FOR FURTHER INFORMATION CONTACT: Paulo F. Mendes, Office of Countervailing Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230 at (202) 377-5050.

Final Results

We determine that net subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers or exporters in India of certain iron-metal castings (castings). This review covers the period January 1, 1987 through December 31, 1987 and the following programs:

- International Price Reimbursement Scheme (IPRS).
- Pre-Shipment Export Loans.
- Post-Shipment Export Loans.
- Income Tax Deductions Under Section 80HHC.
- Market Development Assistance Grants.
- Sale of Import Replenishment License.
- Cash Compensatory Support Scheme.
- Income Tax Deduction Under Section 80I.
- Preferential Freight Rates.
- Import Duty Exemptions Available to 100 Percent Export-Oriented Units.
- Free Trade Zones.

The weighted-average net subsidies are shown in the "Final Results of Administrative Review" section of this notice.

Case History

On October 16, 1980, the Department published a countervailing duty order on castings from India (45 FR 68650). On January 18, 1991, the Department published the final results of its most recently completed administrative review for the period January 1, 1986 through December 31, 1986 (56 FR 1976).

Since the preliminary results of review in this case (56 FR 29626, June 28 1991) the following events have occurred. On July 10, 1991, the Department requested further information from some of the Indian exporters regarding IPRS benefits received during the review period. A response was received on July 18, 1991. Case briefs and rebuttal briefs were filed on July 23 and July 30, 1991, respectively.

Scope of Review

Imports covered by this review are shipments of Indian manhole covers and frames, clean-out covers and frames, and catch basin grates and frames. These articles are commonly called municipal or public works castings and are used for access or drainage for public utility, water, and sanitary systems. During the review period, this merchandise was classifiable under Tariff Schedules of the United States Annotated (TSUSA) item numbers 657.0950 and 657.0990. This merchandise is currently classifiable under Harmonized Tariff Schedule (HTS) item numbers 7325.10.0010 and 7325.10.0050. Although the TSUSA and HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Analysis of Comments Received

We afforded interested parties an opportunity to comment on the preliminary results. We received comments from the Indian exporters, two separate groups of U.S. importers and the petitioners.

The majority of the issues raised by the parties with respect to the IPRS program in the case and rebuttal briefs were in essence identical to those raised by the parties in their briefs for the 1986 review. The information on the record and the Department's position with respect to these comments have not changed. Therefore, we have generally restated here those comments and "Department Positions" that were in the 1986 review that pertain to the instant review. (See, Final Results of Countervailing Duty Administrative Review: Certain Iron-Metal Castings from India (56 FR 1976, January 18, 1991).) Where new arguments have been raised regarding IPRS we have addressed them separately.

Comment 1: The exporters and importers argue that IPRS payments are not countervailable subsidies. In intent and practice, the IPRS refunds to exporters of castings the difference between the price they must pay for certain raw materials purchased from government-owned Indian producers and the price they would otherwise pay on the world market. The program was operated in a manner consistent with item (d) of the Illustrative List of Export Subsidies annexed to the Agreement on Interpretation and Application of Articles VI, XVI, XXIII of the General Agreement on Tariffs and Trade (the List) which states:

> The delivery by governments or their agencies of imported or domestic products or services for use in the production of exported goods, on terms or conditions more favorable than for delivery of like or directly competitive products or services for use in the production of goods for domestic consumption, *if (in the case of products) such terms or conditions are more favorable than those commercially available on world markets to their exporters* (emphasis added).

Item (d) of the List is thus explicit that the provision of raw materials at world market prices to exporters is not a subsidy. The Department recognized this in previous countervailing duty cases. Namely, in Final Negative Countervailing Duty Determination; Certain Steel Wire Nails from the Republic of Korea (47 FR 39549; September 8, 1982) (Korea Nails), the Department held that "price preferences for inputs to be used in the production of export goods constitute a subsidy only if the preference lowers the price of that input below that which the input purchaser would pay on world markets." Similarly, in Final Negative Countervailing Duty Determination; Oil Country Tubular Goods from Taiwan (51 FR 19583; May 30, 1986) (Taiwanese OCTG), the Department stated that:

> Based on an examination of China Steel's second-tier prices for hot-rolled coil used in the production of OCTG, and of the world market prices for such coil, we found that China Steel's prices were at world market levels; therefore, we determine that China Steel's two-tiered pricing policy does not confer a countervailable benefit within the meaning of the countervailing duty law.

The exporters also argue that the IPRS benefits not the exporter of castings, but rather the Indian pig iron producers. Castings exporters can import pig iron or purchase domestic pig iron at the relatively high price that is set by the Indian government and receive IPRS rebates. The net effects of these two alternatives are the same.

In addition, importers argue that the Department is attempting to use an unauthorized interpretation of U.S. law to find the Indian IPRS program countervailable. In Certain Cotton Yarn Products from Brazil; Final Results of Countervailing Duty Administrative Review (55 FR 3442; February 1, 1990) (Cotton Yarn), the Department determined as countervailable a similar Brazilian dual pricing scheme, the Price Equalization Program (PEP). In Cotton Yarn, the Department advanced the theory that the List is not controlling on the identification of subsidies: "It is irrelevant whether the PEP is consistent with item (d) or whether cotton yarn exporters could have imported raw cotton at world market prices. We are concerned with the alternative price commercially available in the domestic market" (55 FR 3446). Importers argue that such a theory is untenable because Congress incorporated the List into U.S. countervailing duty law and the Department has no authority to claim item (d) as "irrelevant." The Court of International Trade (CIT) has acknowledged the adoption of the List in U.S. law in its decision in *Fabricas El Carmen, S.A. de C.V., et al.* v. *United States*, 672 F. Supp. 1465 (CIT October 7, 1987), as did the U.S. Court of Appeals in its decision of the 1984 review of this countervailing duty order (*see, RSI (India) Pvt., Ltd.* v. *United States*, 876 F.2d 1571 (Fed. Cir. 1989)). The legislative history confirms that the sole reservation expressed by Congress in adopting the List was that it not be regarded as a permanent, exhaustive listing of all export subsidies countervailable under U.S. law. The Department is empowered only to supplement or expand the existing List, not alter or ignore established principles of the List. Consequently, in the case of item (d), U.S. law specifically excludes from countervailability any such programs which do not result in the provision of inputs on terms more favorable than those obtainable on world markets. Furthermore, the Department's failure to observe the principle of the statutory language and item (d) also directly conflicts with its efforts to codify item (d) in its own regulations. Commerce's proposed Regulation 355.44(h) in 19 CFR part 355 Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments (54 FR 23366; May 31, 1989) clearly states that price preferences for inputs used in the production of goods for export are subsidies only if they are provided on terms or conditions that "are more favorable than those commercially available on world markets to their exporters."

Conversely, petitioners argue that the exception to an item (d) subsidy is inapplicable in this administrative review because the Government of India did not provide pig iron for use in the production of exported castings at the world market price.

Petitioner maintains that the Department's interpretation of item (d) has always been a narrow one, *i.e.*, the exception in item (d) applies only to inputs, not monetary payments. Such an interpretation of item (d) is consistent with a panel report of the GATT Committee on Subsidies and Countervailing Measures that examined item (d) in conjunction with an investigation of European Community pasta export payments. See GATT Panel Report on EEC Subsidies on Export Pasta Products, SCM/433 (May 19, 1983). The Department's determination in Cotton Yarn, that the Brazilian PEP program is countervailable, is consistent with past Department determinations that reflect a narrow interpretation of the exception in item (d). The Department's preliminary determination that IPRS payments are countervailable implicitly recognizes that the exception in item (d) does not apply because item (d) clearly encompasses the IPRS within its definition of an export subsidy.

Department's Position: The Indian government's decision to insulate its pig iron producers from foreign competition placed users of domestic pig iron at a disadvantage vis-a-vis competitors abroad by raising the price of domestic pig iron. During the review period, Indian castings exporters could have overcome this competitive disadvantage in two ways: Duty drawback and the IPRS. Imported pig iron in India is subject to normal customs duties. Had Indian castings exporters imported foreign pig iron for use as an input and processed it into castings for export, they could have been exempted from the normal customs duties on pig iron by using duty drawback, a practice acceptable under U.S. countervailing duty law and the GATT. Alternatively, under the IPRS, the Indian government created a benchmark price for pig iron and made cash payments to exporters based on the difference between the benchmark price and the domestic price. These cash payments were made exclusively to castings exporters, with the net effect being a reduction in the price of pig iron to a level well below the price commercially available in the domestic market. The IPRS was an instrument used by the Indian government to ameliorate the deleterious effects of high-priced pig iron on a specific group of downstream users.

The circumstances in both Korean Nails and Taiwanese OCTG differ from those in this case. In Korean Nails, the Korean producers of nails for export had access to wire rod from foreign and domestic sources at comparable prices. Although afforded the opportunity through tariff protection to charge high prices for wire rod used in the manufacture of products sold domestically, POSCO (an integrated steel producer which is largely government-owned) and other Korean producers of wire rod chose to lower their prices to exporters of nails and compete with foreign-sourced wire rod purchased under duty drawback. We concluded that "the different prices for purchasers do not arise from a scheme to subsidize exports, but rather are a commercial response to a segmented market, one segment being protected and the other fully open to foreign competition." We further stated that "this dual pricing system reflects strictly economic motivations [of the wire rod producers] rather than a desire of the Government of Korea (the owners of POSCO) to subsidize nail exports" (47 FR 39552).

We noted in addition that our conclusion regarding the dual pricing system was consistent with the principle contained in item (d). However, our decision not to countervail the Korean pricing scheme was based principally on a determination that POSCO was acting in a commercially reasonable fashion by instituting a dual-pricing system. As support for this, we stated that two privately-owned Korean wire rod producers also had dual-pricing systems in place. These facts led us to conclude that the Korean government was not acting to subsidize exports.

Similarly, in Taiwanese OCTG, we found that China Steel, a state-owned corporation and a supplier of pipe and tube inputs, maintained a two-tiered pricing policy. Accordingly, in determining whether China Steel's prices were preferential, we compared not only the actual prices FEMCO (an OCTG producer) paid China Steel to the actual prices FEMCO paid for imported coil, but we also compared the prices

FEMCO paid China Steel to generally available world market prices for coil. In doing so, we found that China Steel's prices were at world market levels. Once again, our decision was based on a determination that China Steel was acting in a commercially reasonable manner.

In this case, the fact pattern is different. The Steel Authority of India, Ltd. (SAIL), an Indian government entity that supplied all of the pig iron used by the castings exporters, did not institute a dual-pricing scheme for pig iron. Instead, the Indian government intervened to ensure that Indian castings exporters could continue to use domestically-sourced pig iron while pig iron producers continued to enjoy the full benefits of tariff protection. Thus, the Indian government's decision to establish the IPRS and make case payments to castings producers made possible exports that otherwise would not have occurred. Without this direct government action, castings exporters would have had to pay the high domestic price for Indian pig iron.

The fact that the Illustrative List is incorporated into U.S. law has no bearing on our decision. In determining whether item (d) is applicable to the identification and measurement of an export subsidy from this type of program, we have examined the law and its legislative history. Section 771(5) of the Tariff Act states, in relevant part: "The term 'subsidy' has the same meaning as the term 'bounty or grant' as that term is used in section 1303 * * *, and includes, *but is not limited to*, the following: (i) Any export subsidy described in Annex A to the Agreement (relating to the illustrative list of export subsidies) * * *" (emphasis added). While Congress incorporated the Illustrative List into the statute, it did not limit the definition of export subsidy to the practices outlined in the List. The legislative history of the Trade Agreements Act of 1979 (TAA) explains, "The reference to specific subsidies in the definition is not all inclusive, but rather is illustrative of practices which are subsidies within the meaning of the word as used in the bill. The administering authority may expand upon the list of specified subsidies consistent with the basic definition." S. Rep. No. 96–249, 96th Cong., 1st Sess. 85 (1979). See also Trade Agreement Act of 1979: Statements of Administrative Action, H.R. Doc. No. 96–153, Pt. II, 96th Cong., 1st Sess. 432 (1979). The Illustrative List is not, therefore, controlling of the identification and measurement of export subsidies, but must be considered along with other provisions of the statute and its legislative history, administrative practice and judicial precedent. In light of the foregoing reasons, the inclusion of proposed regulation 355.44(h), which corresponds to item (d) on the List, in no way supports the importers' position.

We consider a government program that results in the provision of an input to exporters at a price lower than to producers of domestically-sold products to confer a subsidy within the meaning of section 771(5) of the Tariff Act. It is irrelevant whether the IPRS is consistent with item (d) because we are not concerned with world market prices but with the alternative price of pig iron commercially available in the domestic market. Thus, we determine the IPRS program to be countervailable.

An analogy to the IPRS program is the case of export loans. In this case, as in many others, we have determined that export loans at preferential interest rates consistute a subsidy. In measuring the subsidy, we do not concern ourselves with whether firms could have borrowed money at commercial rates in international credit markets. The fact that, as a result of a government program, they borrowed from domestic sources at rates below those commercially available in the domestic market leads us to determine that a subsidy is bestowed.

Comment 2: The importers argue that the Department recognized the principle of item (d) in the 1984 administrative review of this case. Further, the importers state that the Department has not identified any valid distinction between the IPRS program and other import substitution programs that have previously been found to be not countervailable. In particular, the importers argue that the Department only distinguished the IPRS from the programs in Korean Nails and Taiwanese OCTG on the basis that the IPRS results in a price rebate while the other programs result in a price reduction.

Department's Position: The importers mischaracterize the Department's decision in the 1984 administrative review of this case. In the 1984 review the Department was unable to confirm that the amount of the IPRS rebate was purely a function of the difference between the domestic and international price of pig iron. Therefore, the Department never reached the question of the applicability of the item (d).

The Department did not distinguish the programs in Korean Nails and Taiwanese OCTG simply on the basis that they offered price reductions rather than price rebates as provided under IPRS. As we stated in the 1985 administrative review and repeated above in our response to the previous comment, we found that the dual pricing schemes examined in Korean Nails and Taiwanese OCTG were strictly commercial responses to segmented markets and not the product of a government desire to subsidize exports while continuing to offer input suppliers the full benefits of tariff protection.

Comment 3: The importers argue that although the Department has the authority to expand or supplement the Illustrative List it must strictly adhere to the precise standards of the Illustrative List in identifying export subsidies. Specifically, the importers state that the Department does not have the authority to interpret the Illustrative List so as to negate the world market price exception in item (d).

Department's Position: It is very clear from the legislative history of the Trade Agreements Act of 1979 that Congress intended to define subsidy very broadly. See response to Comment 1. This was made clear in the course of the Congressional debate of the 1979 Act. For example, Senator Heinz stated that: "The point * * * is to define subsidy broadly so as to catch within the scope of our law *as many unfair trading practices* as we can * * * Better to define the term broadly as it ought to be defined, and then use the injury test as it is intended to be used." 125 Cong. Rec. 20167 (July 23, 1979) (emphasis added). No where in the statute is an exhaustive list of subsidy practices and their definitions provided. Rather, Congress merely set out certain descriptive examples of unfair trading practices. Therefore, it is beyond dispute that the Department was given wide discretion to determine what constitutes a subsidy within the meaning of section 771(5) of the Act.

We believe that we have the authority to countervail export subsidy practices which cause injury to a domestic industry, and that it is not limited by the adoption of the Illustrative List into U.S. law. It is clear from the legislative history that the incorporation of the Illustrative List was merely intended to provide examples of potential subsidy practices. It is unquestionable that, with respect to the administration of the countervailing duty law up until 1979, Congress was not concerned that an excessive number of foreign government practices were being found countervailable. Instead, Congress was troubled by the number of foreign government practices which were *not* being countervailed. Therefore, we do not believe that Congress intended the

Department's authority to countervail injurious export subsidy practices to be restricted by a mechanical interpretation of the language used to describe an example of one type of subsidy practice. To Congress, the Illustrative List was just that—illustrative. The incorporation of the Illustrative List of U.S. law has no relevance to the Department's determination that the IPRS program was a subsidy within the meaning of 771(5) of the Act because we are properly concerned with the fact that the Indian government made cash payments to castings producers, the receipt of which was contingent upon export performance. We believe that we have the authority to countervail these payments; we believe it to be inconceivable that the Congress would have us do otherwise.

Comment 4: The importers argue that the Department has not taken into account a past Treasury Department decision involving Uruguayan leather apparel (see, Final Countervailing Duty Determination; Leather Wearing Apparel from Uruguay (43 FR 3974; January 30, 1978), where a world market price exception similar to the one noted in item (d) was relied on. Moreover, in its final results of the 1985 administrative review of this case the Department misread the finding in Uruguay Leather Apparel when distinguishing it from the IPRS

Department's Position: We have explained our rational for countervailing the IPRS in the previous comments. While this rationale may appear to be inconsistent with previous Treasury determinations, we do not believe we are necessarily bound by previous Treasury decisions regarding practices which were not defined as subsidies. As explained above, our determination with respect to the IPRS is based upon our interpretation of the 1979 statute and its legislative history. To the extent that we have refined our analysis, we believe that we have articulated a rational basis for doing so.

Comment 5: Petitioners maintain that the Department should not have issued after verification its July 10, 1991 letter requesting information from some of the companies on the amount of IPRS benefits received in 1987. The information obtained in response to this request, petitioners argue, should not be used in the Department's final determination because it cannot be verified and the certifications of respondents cannot be relied upon. Petitioners contend that respondents had ample opportunity, and numerous extensions, in which to provide the information which was requested in unambiguous terms in the Department's questionnaires. In addition, petitioners request that the Department use in it calculation of Serampore's IPRS benefit amount the total amount of IPRS payments it received, according to its questionnaire response, rather than an approximate amount based upon other respondent's data.

The respondents state that three exporters have responded to the Department's letter of July 10, 1991. Respondents request that the Department recalculate the IPRS benefit for these three firms using the information provided. The exporters further state that the IPRS figure used in the preliminary determination for Serampore relates to IPRS received on all exports, not just subject castings to the United States. Therefore, the exporters suggest that the Department use the data provided in Serampore's supplemental response of July 18, 1991.

Department's Position: Our November 16, 1990 questionnaire to the exporters did not clearly specify that all IPRS payments received in 1987, including those associated with 1986 shipments, should be reported. Therefore, we issued a letter on July 10, 1991, specifically requesting the correct information. We have used all the information provided in the responses to our letter, including the information received from Serampore, for purposes of these final results. Although we were not able to verify this information, we did closely examine the information submitted. Based on our analysis of the submitted information, we have no reason to believe that it is inaccurate. Furthermore, we note that we are not required by the statute or our regulations to verify all the information used in our final results.

Comment 6: The exporters argue that it is inappropriate to calculate IPRS benefits based on when benefits are received because, even though payment is not received for months after shipment, the program provides known payments on a sale-by-sale basis. The Department should calculate the benefit from the IPRS using payments claimed during the review period, rather than payments received during the review period.

Conversely, the petitioners argue that the Department should be consistent from one review to the next and continue to use the total amount of IPRS payments received during the review period in calculating the benefit from this program.

Department's Position: It has been our general practice to compute benefits received by a firm during the review period (in this case the 1987 calendar year), and apply them to the relevant value of exports for the same period. This is because the company's cash flow is not affected until the payment is received. There are a few exceptions to this practice, such as when a benefit is earned on a shipment-by-shipment basis and the exact amount of the benefit is known at the time of export (see e.g., Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Certain Steel Wire Nails from New Zealand (52 FR 37196; October 5, 1987)). In the case of IPRS benefits, however, the exact amount of the benefit is not know at the time of export because there is always a lag between the time an export is made and the time the EEPC announces the international price it will use in its calculation of the IPRS payment. Even if we were to consider the IRPS such an exception, the exporters did not make such a claim when we first determined in the 1984 review of this order that the IPRS provided a countervailable subsidy. In that review, we calculated the subsidy from the IRPS program by allocating receipts over exports. A shift in methodology at this time would result in a substantial gap in the measurement of subsidies from this program (*i.e.*, IPRS payments claimed in 1986 but received in 1987 would not be captured by any review).

Comment 7: The exporters argue that the benefit from the IPRS program is overstated, claiming that it should be offset by the Engineering Goods Export Assistance Fund (EGEAF) and Freight Equalization Fee (FEF) levies which are included in the price of pig iron. Because IPRS payments include the refund of both the EGEAF and the FEF, the amounts paid for these two levies should be deducted from IPRS receipts to determine the net subsidy from this program.

Conversely, petitioners argue that the EGEAF and the FEF levies are not allowable offsets under section 771(6) of the Tariff Act. These levies are included in the price of pig iron and are paid regardless of whether the castings produced from the purchased pig iron is sold domestically or exported.

Department's Position: Section 771(6)(A) of the Tariff Act states that to determine the net subsidy the Department may subtract from the gross subsidy the amount of "any application fee, deposit, or similar payment paid in order to qualify for, or to receive, the benefit of the subsidy * * *" Both levies are paid by all consumers of Indian pig iron, not just exporters.

Payment of the levies is not in the nature of an IPRS application fee. Therefore, they do not constitute offsets, as defined in the statute, to the IPRS benefit.

Comment 8: The exporters claim that in the preliminary results of this review the Department countervailed IPRS claims made by RSI India Pvt. Ltd. (RSI) in 1986 but received in 1987 even though the 1986 claims were countervailed in the 1986 administrative review.

Department's Position: In the 1986 administrative review, RSI was requested to provide information on the amount of IPRS benefits received in 1986. Instead of providing this information, which was provided by every other exporter, RSI only provided data regarding IPRS rebates claimed in 1986. Because RSI failed to provide the requested information, we considered as the best information available, the IPRS rebates claimed in 1986 as a surrogate for the IPRS rebates received in 1986. In this review we countervailed the amount of IPRS benefits received by RSI in 1987, which, as described above, is consistent with our past practice.

Comment 9: The petitioners argue that the Department incorrectly determined that the benefit from the IPRS program is zero for purposes of the cash deposit of estimated countervailing duties. While it is the Department's policy to adjust the deposit rate if a program-wide change has taken place since the review period but prior to publication of the preliminary results of administrative review, the exporter's renunciation of IPRS payments on exports of the subject merchandise to the United States does not constitute a program-wide change has taken place since the review period but prior to publication of the preliminary results of administrative review, the exporters' renunciation of IPRS payments on exports of the subject merchandise to the untied States does not constitute a program-wide change because it was not effectuated by an official act, statute, regulation or decree, and the exporters could resume receiving IPRS payments if they chose.

The exporters state that the Department determined that the EEPC stopped accepting IPRS claims filed on shipments exported to the United States after June 30, 1987. Moreover, because the Department verified that this program-wide change was implemented prior to the issuance of the preliminary determination in this administrative review, the Department should exclude IPRS payments from the estimated countervailing duty assessment rate. Such a determination is consistent with the final results of the 1985 and 1986 administrative reviews.

Department's Position: We verified in the 1985 and 1987 reviews, that in April 1987 the EEPC directed the castings procedures not to make IPRS claims on exports of the subject merchandise. More importantly, however, we verified in the 1987 review that the Government of India officially terminated the IPRS program with respect to exports of the subject merchandise. We verified this fact by examining a Ministry of Commerce circular which stated that IPRS claims are not to be made on exports of the subject merchandise to the United States. Therefore, we have determined that the termination of the IPRS program with respect to exports of the subject merchandise to the United States meets the Department's program-wide change criteria.

Comment 10: The exporters allege that the Department calculated the benefit for Uma Iron & Steel Co. (Uma) related to the IPRS by dividing the total IPRS received by Uma's exports to the United States. The exporters request that the Department correct this calculation.

Conversely, petitioners argue that because Uma failed to clearly identify the IPRS payments associated with exports of subject castings, the Department had no choice but to calculate Uma's IPRS benefits based on the information Uma had itself provided.

Department's Position: In the exhibits to its questionnaire response, Uma reported a monthly breakdown of the total amount of IPRS payments received, rather than reporting, as requested, only the IPRS payments received on exports of the subject merchandise. However, Uma did report elsewhere in its response the lump sum amount it received on exports of the subject merchandise. Consequently, we have used in our final calculations the reported amount of IPRS payments received on the subject merchandise.

Comment 11: Respondents argue that the calculation of the benefit from pre-shipment financing is incorrect in that the Department failed to take into account premium payments made to the Export Credit Guarantee Corporation ("ECGC") in order to obtain such financing. Respondents claim that in order to obtain such financing, exporters are required to purchase insurance coverage from the ECGC, even for U.S. sales. Respondents request that the final results be corrected to properly account for these premiums.

Department's Positon: We verified that exporters are not required to purchase insurance coverage from the ECGC in order to receive pre-shipment financing. Therefore, the cost of export credit insurance is not an offset to a benefit as defined by section 771(6)(A) of the Act.

Comment 12: Petitioners argue that in accordance with 19 CFR 355.31(i), the Department should enforce its certification requirement by sanctioning respondents for certification of inaccurate submissions and the failure to report the receipt of countervailable subsidies. Petitioners assert that respondents' inaccurate representation has violated the statutory certification requirement and threatens the integrity of Departmental procedures. Petitioners state that while they agree with the Department's determination that some form of sanction was appropriate, the proposed sanction is disproportionately weak to the seriousness of the violation. Citing this proceeding (56 FR 29627, June 28, 1991), and the Final Affirmative Countervailing Duty Determination and Countervailing Duty Order: Certain Welded Carbon Steel Pipe and Tube Products From Argentina (53 FR 37619, 37620, September 27, 1988), petitioners suggest that in calculating the net subsidy for post-shipment financing programs, the Department should apply the highest rate found for the individual verified companies, rather than a weighted-average of their rates.

Department's Position: We verified the amount of post-shipment financing received by the three companies which were subject to on-site verification. For each of these companies we calculated a benefit in accordance with the verified information. Normally, we resort to the best information available, which includes the use of adverse inferences, when a company fails to respond accurately to the Department's questionnaire. However, because we had complete, accurate and verified information, with respect to the relevant program we deemed it unnecessary to draw adverse inferences in this case. Because we did not penalize the verified companies it is not appropriate to penalize the companies we did not verify. Therefore, as the best information available we assigned the non-verified companies the weighted-average benefit of the three verified companies.

Comment 13: Petitioners suggest that, as the Department under 19 CFR 355.22(f)(6) "will refuse" to accept other requests for review from any other individual producer or exporter if it is "unable to verify that the certifications" of the original requesting individual producer or exporter are complete and accurate with regard to programs previously found countervailable in the proceeding, the Department should refuse to accept any future requests for

review from respondent companies for the duration of the order to demonstrate the seriousness of respondents' false certifications. Citing 19 CFR part 355: Countervailing Duties; Final Rule (53 FR 52306, December 27, 1988), petitioners state that the Department disagreed with parties that argued that one firm's inaccurate certification or the government's deficient certification ought not to affect the ability of another firm to request a review by stating that "The Department cannot rely on a faulty mechanism as a basis for action, even though this mechanism is not within the control of a particular producer or exporter." Petitioner contends that unless the Department reacts convincingly in this case the certification requirement will become meaningless.

Department's Position: We stated in our preliminary results that we would refer the certification issue to the Department of Justice and the U.S. Customs Service. We have now done so. We have also begun formulating a set of procedures for handling cases involving certification issues. We do not believe that further action with respect to this administrative review is necessary at this time. However, we are not precluded from taking additional action in the future if we deem it appropriate.

Comment 14: The petitioners state that a single country-wide rate should be applied to all exporters. Section 706(a) of the Tariff Act states, in part, that "the order may provide for differing countervailing duties," 19 U.S.C. section 1671e(a) (emphasis added). Thus, Congress created a presumption in favor of country-wide rates.

Conversely, the importers argue that the Department correctly assigned company-specific rates, rather than a single country-wide rate. The Department is required by its regulations to issue company-specific rates if significant differentials exist between the weighted-average country-wide rate and individual company rates.

Department's Position: Section 607 of the Tariff and Trade Act of 1984 establishes a statutory presumption in favor of country-wide countervailing duty rates, with the possibility of company-specific rates if the Department determined that a "significant differential" exists between companies receiving subsidies benefits. 19 U.S.C. section 1671e(a)(2). Pursuant to that section, the Department promulgated regulations to use a single weighted-average country-wide rate unless there is a significant differential between an individual company rate and the weighted-average country-wide rate. Under 19 CFR 355.20(d)(3), a significant differential is a "difference of the greater of at least five percentage points, or 25 percent, from the weighted-average net subsidy calculated on a country-wide basis." In this review, seven companies met the standard in the regulations for being significantly different; therefore, we assigned them company-specific rates.

Comment 15: Petitioners request that the Department correct certain clerical errors in its final results for RSI's and Carnation's IPRS payments, and Kejriwal's pre-shipment financing benefits including its reported interest payments.

The exporters argue that because the loan and the interest were paid outside the review period, the Department was correct not to countervail this loan in this review.

Department's Position: We have corrected our calculations to reflect the correct figures for RSI's and Carnation's IPRS payments. However, we did not include in our calculation Kejriwal's pre-shipment financing interest payment related to the loan taken out in 1987 because the interest associated with this loan was paid outside the review period.

Final Results of Review

After reviewing all of the comments received, we determine that the following net subsidies exist for the period January 1, 1987 through December 31, 1987:

Manufacturer/exporter	Net ad valorem subsidy (percent)
RSI Indian Private Limited	12.57
Uma Iron & Steel Company	13.33
Super Castings (India) Private Limited	37.96
Kejriwal Iron and Steel Works	19.66
Select Steels	37.17
Samitex	20.96
Commex	41.20
All other manufacturers or exporters	30.90

The Department will instruct the Customs Service to assess countervailing duties at the above percentages of the f.o.b. invoice price on shipments of the subject merchandise exported on or after January 1, 1987, and on or before December 31, 1987.

As a result of the termination of benefits attributable to the IPRS program, the Department will also instruct the Customs Service to collect a cash deposit of estimated countervailing duties in the amount of 3.84 percent *ad valorem* on shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results of administrative review.

This administrative review and notice are published in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: August 14, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-20160 Filed 8-21-91; 8:45 am]

BILLING CODE 3510-DS-M

Automotive Parts Advisory Committee; Postponement of Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of closed meeting.

SUMMARY: On Friday, July 12, 1991 (56 FR 31905), a meeting of the Auto Parts Advisory Committee was announced to be held on August 22, 1991. Because of scheduling conflicts, the meeting has been postponed to a later date, yet to be determined. The announcement of the next meeting will be published as soon as it becomes available.

FOR FURTHER INFORMATION CONTACT: Mr. Stuart Keitz, Office of Automotive Industry Affairs and Consumer Goods Sector, Trade Development, Main Commerce, room 4036, Washington, DC 20230, telephone (202) 377-0669.

Dated: August 19, 1991.

Stuart S. Keitz,

Acting Director, Office of Automotive Industry Affairs.

[FR Doc. 91-20157 Filed 8-21-91; 8:45 am]

BILLING CODE 3510-DR-M

National Institute of Standards and Technology

Computer System Security and Privacy Advisory Board; Meeting

AGENCY: National Institute of Standards and Technology, DoC.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that the Computer System Security and Privacy Advisory Board will meet Wednesday, September 18, 1991, and Thursday, September 19, 1991, from 9 a.m. to 5 p.m. The Advisory Board was established by the Computer Security Act of 1987 (Pub. L. 100-235) to advise the Secretary of Commerce and the Director of NIST on security and privacy issues pertaining to Federal computer systems. All sessions will be open to the public.

DATES: The meeting will be held on September 18 and 19, 1991, from 9 a.m. to 5 p.m.

ADDRESSES: The meeting will take place at the Stouffer Harborplace Hotel, 202 East Pratt Street, Baltimore, Maryland. The specific conference room assignment will be posted on the days of the meeting at the facility. Inquiries regarding the Board meeting should not be directed to the conference facility.

Agenda

1. Welcome.
2. European Privacy Initiatives.
3. NIST Update.
4. Discussion of proposed Information Security Foundation.
5. Computer Security Emergency Response.
6. Board's 1992 Work Plan.
7. Pending Board Issues.
8. Public Participation.
9. Wrap-up.

Public Participation

The Board agenda will include a period of time, not to exceed thirty minutes, for oral comments and questions from the public. Each speaker will be limited to five minutes. Members of the pubic who are interested in speaking are asked to contact the Board Secretariat at the telephone number indicated below. In addition, written statements are invited and may be submitted to the Board at any time. Written statements should be directed to the Computer System Security and Privacy Advisory Board, Computer Systems Laboratory, Building 225, room B154, National Institute of Standards & Technology, Gaithersburg, MD 20899. Approximately fifteen seats will be available for the public, including three seats reserved for the media. Seats will be available on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn McNulty, Associate Director for Computer Security, Computer Systems Laboratory, National Institute of Standards and Technology, Building 225, room B154, Gaithersburg, MD 20899, telephone: (301) 975-3240.

Dated: August 19, 1991.

John W. Lyons,

Director.

[FR Doc. 91-20165 Filed 8-21-91; 8:45 am]

BILLING CODE 3510-CN-M

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The North Pacific Fishery Management Council's King and Tanner Crab Plan Team (KTCPT) will hold a public meeting on August 23 at the National Marine Fisheries Service Laboratory, Kodiak, Alaska, telephone 907-487-4961. The meeting will begin at 9 a.m.

The KTCPT will review the status of stocks for the Bering Sea/Aleutian Island crabs and draft an outline for the Stock Assessment Fishery Evaluation (SAFE) document for the fishery management plan for commercial King and Tanner crab fisheries in the Bering Sea/Aleutian Islands.

For more information contact Ray Baglin, NOAA-National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802; telephone: 907-586-7229.

Dated: August 16, 1991.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 91-20086 Filed 8-21-91; 8:45 am]

BILLING CODE 3510-22-M

Patent and Trademarks Office

Membership of Performance Review Board

AGENCY: Patent and Trademark Office, Commerce.

In conformance with the Civil Service Reform Act of 1978, 5 U.S.C. 4314 (c)(4), the Patent and Trademark Office announces the appointment of persons to serve as members of its Performance Review Board (PRB).

The membership of the Board is as follows:

Douglas B. Comer, Chairman, Deputy Assistant Secretary and Deputy Commissioner of Patents and Trademarks, Washington, DC 20231. Term—permanent.

Bradford R. Huther, Member, Assistant Commissioner for Finance and Planning, Patent and Trademark Office, Washington, DC 20231. Term—permanent.

James E. Denny, Member, Assistant Commissioner for Patents, Patent and Trademark Office, Washington, DC 20231. Term—permanent.

Jeffrey M. Samuels, Member, Assistant Commissioner for Trademarks, Patent and Trademark Office, Washington, DC 20231. Term—permanent.

Theresa A. Brelsford, Member, Assistant Commissioner for Administration, Patent and Trademark Office, Washington, DC 20231. Term—permanent.

Thomas P. Giammo, Member, Assistant Commissioner for Information Systems, Patent and Trademark Office, Washington, DC 20231. Term—permanent.

Saul I. Serota, Member, Chairman, Board of Patent Appeals and Interferences Patent and Trademark Office, Washington, DC 20231. Term—expires September 30, 1992.

Dr. Michael G. Hansen, (Outside) Member, Director, Federal Executive Institute, Charlottesville, VA 22901. Term—expires September 30, 1992.

Edward Kubasiewicz, Member, Director, Patent Examining Group 180, Patent and Trademark Office, Washington, DC 20231. Term—expires September 30, 1992.

FOR FURTHER INFORMATION CONTACT: Larry Tabachnick, Acting Personnel Officer, Patent and Trademark Office, Washington, DC 20231. Telephone (703) 557-2662.

Dated: August 15, 1991.

Harry F. Manbeck, Jr.,

Assistant Secretary and Commissioner of Patents and Trademarks.

[FR Doc. 91-20055 Filed 8-21-91; 8:45 am]

BILLING CODE 3510-16-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Partially Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates/Time of Meeting: 10-11 September 1991.

Time: 10 September: 0815-1200 hours Open 1330-1700 hours Closed. 11 September: 0815-1200 hours Closed, 1330-1700 hours Open.

Place: Los Alamos National Laboratory, Los Alamos, New Mexico.

Agenda: The Army Science Board Depleted Uranium Study Subgroup will meet with government and private sector representatives to discuss technical and developmental maturity, composition, processing, manufacturing, safety and future facilitization and production planning. This meeting will be closed to the public (where indicated) in accordance with section 552b(c) of title 5, U.S.C., specifically subparagraph (1) thereof, and title 5, U.S.C., appendix 2, subsection 10(d). The classified and unclassified matters and proprietary information to be discussed are so inextricably intertwined so as to preclude opening all portions of the meeting. The open portion of the meeting will be open to the public. Any person may attend, appear before

or file statements with the committee at the time and in the matter permitted by the committee. The ASB Administrative Officer Sally Warner, may be contacted for further information at (703) 695-0781/0782.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 91-20079 Filed 8-21-91; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB).

Dates of meeting: September 16, 1991.

Time: 0800-1200 hours.

Place: New Mexico Highlands University, Las Vegas, New Mexico.

Agenda: The Army Science Board (ASB) members of the Ad Hoc Study Group on Initiatives to Improve HBCU/MI Infrastructure will conduct a site visit to New Mexico Highlands University in support of their study. The group will meet with members of the New Mexico Highlands University Administration and Faculty to receive information briefings that will assist the Group in their examination of ways to maximize both the HBCU/MI contribution to the Army Research and Development process and HBCU/MI infrastructure. This meeting will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695-0781/0782.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 91-20098 Filed 8-21-91; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 24 September 1991.

Time: 0830-1730 hours.

Place: Pentagon, Washington, DC.

Agenda: The Army Science Board (ASB) Systems Issue Group will meet to review the 1990-91 Panel activities and business, and to discuss future studies and plans. This meeting will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695-0781/0782.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 91-20099 Filed 8-21-91; 8:45 am]

BILLING CODE 3710-08-M

Military Traffic Management Command; Certification of Independent Pricing

AGENCY: Military Traffic Management Command (MTMC), U.S. Army.

ACTION: Notice of revision to certificate of independent pricing.

SUMMARY: The current version of the Certificate of Independent Pricing was published in the **Federal Register** on January 4, 1991 (56 FR 422). After publication, members of the industry requested that the Certificate be amended to clarify certain provisions in it. This notice implements some of the recommended changes.

EFFECTIVE DATE: August 22, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Ramon Morales, (Attorney-Adviser), Military Traffic Management Command, ATTN: MTJA, 5611 Columbia Pike, Falls Church, VA 22041-5050, (703) 756-1580.

SUPPLEMENTARY INFORMATION: Proposed versions of the Certification of Independent Pricing were published in the **Federal Register** on April 4, 1989 (54 FR 13556) and May 16, 1989 (54 FR 21093). Based on the comments and suggestions received from the carrier industry and other offices within MTMC, a revised Certificate was finally published on January 4, 1991. Subsequent to this publication, we received additional comments and requests for modification from the industry.

The requests are briefly discussed below:

A. *Request:* Explain the meaning of "other information" in paragraph A(2).

Answer: The words "other information" mean other rates, fares, changes or rules submitted in the rate tender. To clarify this we have added the word "related" between "other" and "information".

B. *Request:* Add a sentence to paragraph A(2) stating that public disclosure of the rate tender shall be deemed to occur upon the filing of a tender, unless the tender is required to be filed under seal.

Answer: MTMC did not adopt this suggestion because it would conflict with the second sentence of paragraph A(2) and could defeat the purpose of the Certificate. However, we edited the paragraph in an effort to clarify its content.

C. *Request:* Add a sentence to paragraph B to clarify that discussions concerning the tender between the carrier and its rate filing agents or consultants are permitted.

Answer: The following sentence has been added to paragraph B: "Further, this certification does not prohibit discussions concerning this tender between a carrier and its rate filing agents or consultants, provided that the carrier has instructed in writing such agents or consultants to preserve the confidentiality of such discussions."

In addition to the above-mentioned changes, we have modified paragraph C(3) to clarify that the certification applies to rates or fares submitted through Electronic Data Interchange.

The revised certification is reproduced below:

Certification of Independent Pricing

A. For the purpose of inducing the United States to accept these tendered rates or fares, the undersigned declares, with the understanding that a false statement is a violation of law subject of criminal and civil penalties, that the following is true:

1. The rates or fares in this tender have been arrived at independently and, except as described in paragraph B, below, there has been no communication, agreement, understanding, collusion, or any other action in respect to these rates or fares, with any carrier, competitor or agent thereof.

2. Except as described in paragraph B, below, the rates or fares or other related information submitted in this tender have not and will not be disclosed directly or indirectly to any other carrier, competitor, or agent thereof. A carrier may disclose the rates or fares or other related information submitted in this tender only after public disclosure of this tender by a government agency with which it is filed.

3. No action has been or will be taken, and no agreement or understanding has been or will be made,with any other carrier, competitor, or agent thereof to:

(a) Submit or not to submit rates or fares; or

(b) Change, cancel, or withdraw rates or fares; or

(c) File the same or prearranged rates or fares; or

(d) Restrict competition for United States Government traffic by any means or device.

B. It is understood that this certification does not prohibit discussions concerning this tender between a freight forwarder and its underlying carriers, between a carrier or

freight forwarder and its agents providing underlying transportation service or equipment, or between or among interline carriers jointly participating in this tender. It is also understood that this certification does not prohibit discussions concerning this tender between commonly owned companies (carriers or freight forwarders) if the common ownership has been previously disclosed in writing to the Military Traffic Management Command. Further, this certification does not prohibit discussions concerning this tender between a carrier and its rate filing agents or consultants, provided that the carrier has instructed in writing such agents or consultants to preserve the confidentiality of such discussions.

C. The undersigned further certifies that (enter initials next to subparagraph 1 or 2 below, as applicable):

[_____] 1. I am responsible for determining the rates or fares being offered in this tender; that I have been authorized, in writing, to sign this certificate on behalf of the carrier; that I have not participated and will not participate in any action contrary to subparagraphs A(1) through A(3) above; and, that I have no knowledge that any other person has taken such action; *OR*

[_____] 2. I am an authorized agent for the carrier; that I have not personally participated, and will not participate, in any action contrary to subparagraphs A(1) through A(3) above; that as an agent I have been authorized, in writing, to certify, and do hereby certify, that the following principals have not participated in any action contrary to subparagraphs A(1) through A(3) above:

Name & Title *Organization*

(Type or print name and position title of person(s) in the carrier's organization responsible for determining the rates or fares offered in this tender.)

3. This certification applies to any medium used for the offering of the rates or fares, to include paper and any type of electronic or magnetic media such as magnetic tapes, floppy disks, CD ROM, or Electronic Data Interchange.

Signature: _____
Print or type name: _____
Title: _____
Date: _____

(Revised 16 July 91)

John O. Roach, II

Army Liaison Officer with the Federal Register.

[FR Doc. 91-20058 Filed 8-21-91; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

President's Board of Advisors on Historically Black Colleges and Universities; Meeting

AGENCY: President's Board of Advisors on Historically Black Colleges and Universities, Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the proposed agenda for a forthcoming meeting of the President's Board of Advisors on Historically Black Colleges and Universities. This notice also describes the functions of the Board. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE AND TIME: September 8, 1991, 2:30 p.m. until 5 p.m., September 9, 2 p.m. until 5:30 p.m., and September 10, 1991, 1:45 p.m. until 5:30 p.m.

Place: Hyatt Regency Hotel Capitol Hill, 400 New Jersey Avenue, NW., Washington, DC, 20001.

FOR FURTHER INFORMATION CONTACT: Robert K. Goodwin, Executive Director, White House Initiative on Historically Black Colleges and Universities, U.S. Department of Education, 400 Maryland Avenue, SW., room 3662, ROB-3, Washington, DC 20202, Telephone # (202) 708-8667.

SUPPLEMENTARY INFORMATION: The President's Board of Advisors on Historically Black Colleges and Universities is established in accordance with Executive Order 12677, signed April 28, 1989. The Board is established to provide advice and make recommendations on developing an annual plan to increase the participation by historically Black colleges and universities in federally sponsored programs and on how to increase the private sector's role in strengthening historically Black colleges and universities. The Board is also responsible for developing alternative sources of faculty talent, particularly in the fields of science and technology; and for providing advice on how historically Black colleges and universities can achieve greater financial security through the use of improved business, accounting, management, and development techniques.

This meeting of the President's Board of Advisors on HBCUs will coincide with National Historically Black Colleges Week, September 9-13, 1991, and the Office of White House Initiative on HBCUs Annual Conference. The proposed agenda includes testimonies from the HBCU presidents on Sunday, September 8th. The presidents of the HBCUs will be invited to present implementation strategies for America 2000 and the issues/problems impacting the HBCUs and possible solutions. Each speaker will be given a specified time limit to address the Board. All written statements presented at the meeting will be incorporated into the official record. Concurrent Task Force meetings will be held on Monday, September 9th to consider the comments provided by the HBCU presidents. The full Board will convene on Tuesday, September 10, to review the Task Force reports and to discuss the content and the format of the report to be sent to the President.

Records are kept of all Board meetings and are available for public inspection at the White House Initiative, U.S. Department of Education, ROB-3, room 3682, Washington, DC from the hours of 8:30 a.m. to 5 p.m., Monday through Friday.

Dated: August 7, 1991.

Michael J. Farrell,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 91-20135 Filed 8-21-91; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, Energy.

ACTION: Notice of requests submitted for review by the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act (Pub. L. No. 96-511, 44 U.S.C. 3501 *et seq.*). The listing does not include collections of information contained in new or revised regulations which are to be submitted under section 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) The sponsor of the collection (the DOE component or Federal Energy Regulatory Commission (FERC)); (2) collection number(s); (3) current OMB docket number (if

applicable); (4) collection title; (5) type of request, e.g., new, revision, extension, or reinstatement; (6) frequency of collection; (7) response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) affected public; (9) an estimate of the number of respondents per report period; (10) an estimate of the number of responses per respondent annually; (11) an estimate of the average hours per response; (12) the estimated total annual respondent burden; and (13) a brief abstract describing the proposed collection and the respondents.

DATES: Comments must be filed on or before September 23, 1991. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395–3084. (Also, please notify the EIA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards at the address below.)

FOR FURTHER INFORMATION AND COPIES OF RELEVANT MATERIALS CONTACT: Jay Casselberry, Office of Statistical Standards, (EI–73), Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Mr. Casselberry may be telephoned at (202) 586–2171.

SUPPLEMENTARY INFORMATION: The first energy information collection submitted to OMB for review was:

1. Federal Energy Regulatory Commission.
2. FERC Form No. 1.
3. 1902–0021.
4. Annual Report of Major Electric Utilities, Licensees and Others.
5. Extension.
6. Annually.
7. Mandatory.
8. Businesses or other for-profit.
9. 181 respondents.
10. 1 response.
11. 1,215 hours per response.
12. 219,915 hours.
13. This comprehensive financial and operating report is needed by the Commission to carry out its regulatory responsibilities under the Federal Power Act and PURPA. To be used to establish rates, in rate proceedings, in formal investigations, financial audits and continuous review of the financial conditions of utilities.

The second energy information collection submitted to OMB for review was:

1. Federal Energy Regulatory Commission.
2. FERC Form No. 1–F.
3. 1902–0029.
4. Annual Report for Nonmajor Public Utilities and Licensees.
5. Extension.
6. Annually.
7. Mandatory.
8. Businesses or other for-profit.
9. 22 respondents.
10. 1 response.
11. 30 hours per response.
12. 660 hours.
13. This comprehensive financial and operating report is needed by the Commission to carry out its regulatory responsibilities under the Federal Power Act and PURPA. To be used to establish rates, in rate proceedings, in formal investigations, financial audits and continuous reviews of the financial conditions of the regulated utilities.

Authority: Sec. 5(a), 5(b), 13(b), and 52, Pub. L. No. 93–275, Federal Energy Administration Act of 1974, 15 U.S.C. 764(a), 764(b), 772(b), and 790a.

Issued in Washington, DC, August 19, 1991.

Douglas R. Hale,

Acting Director, Statistical Standards, Energy Information Administration.

[FR Doc. 91–20142 Filed 8–21–91; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ER91–584–000, et al.]

Central Vermont Public Service Corporation, et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

August 15, 1991.

Take notice that the following filings have been made with the Commission:

1. Central Vermont Public Service Corp.

[Docket No. ER91–584–000]

Take notice that Central Vermont Public Service Corporation on August 9, 1991 tendered for filing agreements with Vermont Electric Cooperative, Inc. and Barton Village, Inc. for the sale of Central Vermont system capacity. Central Vermont states that the agreements have been entered into pursuant to umbrella agreements providing for the sale of capacity at regulated prices, but that the umbrella agreements and the specific transactions have not yet been reduced to writing. Central Vermont states that it will submit the written agreements and cost support required by the Commission's regulations as soon as possible.

Comment date: August 29, 1991, in accordance with Standard Paragraph E at the end of this notice.

2. Atlantic City Electric Co.

[Docket No. ER91–355–000]

Take notice that on August 9, 1991, Atlantic City Electric Company ("Atlantic Electric") tendered for filing with the Commission its response to the Commission's request for additional information dated May 23, 1991. The Commission had requested information regarding Atlantic Electric's March 26, 1991 filing of a Power Sales Agreement between Atlantic Electric and the City of Vineland, New Jersey dated February 5, 1991.

In addition to providing additional cost support for the Agreement, Atlantic Electric has made two revisions to the proposed rates under the Agreement. First, certain cogen costs were removed from the Basic Demand Charge, the revised Charges have been decreased to: 3.6633 cents/Kwhr (1991–92; 4.0130 cents/Kwhr (1992–93); and 4.2008 cents/Kwhr (1993–94). Second, the energy adder has been removed from the Monthly Energy Charge. These changes will result in a rate reduction for Vineland in the amount of $1,057,352 for the term of the contract. Vineland has agreed to these changes, and a revised page 7 of the Agreement has been submitted.

Atlantic Electric renews its request for a June 1, 1991 effective date and has requested waiver of the Commission's notice requirements for good cause shown. 18 CFR 35.3, 35.11. Atlantic Electric states that a copy of this filing has been sent to Vineland and to the New Jersey Board of Public Utilities.

Comment date: August 29, 1991, in accordance with Standard Paragraph E at the end of this notice.

3. Central Power and Light Co.

[Docket No. ER91–585–000]

Take notice that on August 9, 1991, Central Power and Light Company ("CPL") tendered for filing an Agreement for Transmission Service between Tex-La Electric Cooperative of Texas, Inc. (Tex-La), dated November 13, 1990; an Amendment to such Transmission Service Agreement dated July 30, 1991; and an Agreement for Transmission Wheeling Service between CPL and Rayburn Country Electric Cooperative, Inc. (Rayburn Country) dated January 9, 1991.

Under the Tax-La Agreement, as amended, and the Rayburn Country Agreement, CPL will transmit power and

energy purchased by Tex-La and Rayburn Country, respectively, from Brazos Electric Power Cooperative, Inc. to be generated at the Denison Dam facility of the Southwestern Power Administration.

CPL requests waiver of the notice requirement in order that the Tex-La Agreement, as amended, and the Rayburn Country Amendment may become effective as of July 1, 1990.

Copies of the filing were served upon Tex-La, Rayburn Country, and the Public Utility Commission of Texas.

Comment date: August 29, 1991, in accordance with Standard Paragraph E at the end of this notice.

4. Exxon Chemical Co. and Exxon Company, U.S.A.

[Docket No. QF89-41-001]

On August 8, 1991, Exxon Chemical Company and Exxon Company, U.S.A., tendered for filing an amendment to its filing in this docket.

The amendment supplements certain aspects of facility's ownership structure.

Comment date: 21 days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

5. East Syracuse Generating Company L.P.

[Docket No. QF91-147-000]

On August 1, 1991, East Syracuse Generating Company L.P. tendered for filing an amendment to its filing in this docket.

The amendment clarifies certain aspects of the ownership and the thermal energy uses of the proposed cogeneration facility.

Comment date: 21 days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

6. Southern Company Services, Inc.

[Docket No. ER91-570-000]

Take notice that on August 5, 1991, Southern Company Services, Inc., acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah Electric and Power Company ("Southern Companies"), tendered for filing an Interchange Contract between Southern Companies and Cajun Electric Power Cooperative, Inc. The Interchange Contract establishes the terms and conditions of power supply, including provisions relating to service conditions, control of system disturbances, metering and other matters related to the administration of the agreement. Services provided thereunder are governed by Service Schedules providing for emergency assistance, short-term power, economy transactions and economic energy participation. The Interchange Contract utilizes a formula rate methodology applicable to emergency assistance and short-term power, as set forth in the manuals of Southern Companies and Cajun appended thereto.

Comment date: August 29, 1991, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-20064 Filed 8-21-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP91-2650-000, et al.]

Cascade Natural Gas Corporation, et al.; Natural Gas Certificate Filings

August 15, 1991.

Take notice that the following filings have been made with the Commission:

1. Cascade Natural Gas Corp.

[Docket No. CP91-2650-000]

Take notice that on August 2, 1991, pursuant to section 3 of the Natural Gas Act (NGA), 15 U.S.C. 717(B); §§ 153.1 *et seq.* and 153.10 *et seq* of the Commission's Regulations, 18 CFR 153.1 and 153.10; Executive Order No. 10485, as amended by Executive Order No. 12038; and Delegation Order No. 0204-112 of the Secretary of Energy, Cascade Natural Gas Corporation (Cascade) filed an application for authorization to import natural gas from Canada and for a Presidential Permit authorizing the siting, construction, and operation of pipeline facilities at the international border, near Sumas, Washington. The proposed transportation service will be on behalf of Tenaska Gas Company (Tenaska). Cascade states it intends to transport the gas on behalf of Tenaska from the point of entry to the site of a proposed 245 megawatt cogeneration facility located at the British Petroleum Oil Company (BP) refinery in Ferndale, Washington, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Cascade proposes to construct and operate approximately 3-miles of long pipeline and to construct an additional 6-mile loop line of existing facilities to allow for the proposed transportation. Cascade states that the proposed 3-mile line will consist of a 20-inch diameter pipeline extending from Cascade's existing system, located near Cascade's interconnection with Northwest, to an interconnection with the Canadian facilities operated by Westcoast near Sumas, Washington. The proposed construction will follow the existing pipeline corridor established by Northwest, TransMountain Pipeline and ARCO Western Gas Pipeline, Cascade avers.

The proposed 6-mile upgrade will be accomplished by constructing a 20-inch diameter loop line to an existing 8-inch diameter line east of an industrial facility near Grandview Road, Ferndale, Washington, extending to the proposed cogeneration plant site. The pipeline system is designed to deliver gas to the cogeneration plant at a minimum pressure of 350 pound per square inch (350 psig). The pipeline will be designed for a maximum operating pressure of 700 psig.

Cascade states that the proposed facilities downstream of the border crossing point will be subject to the jurisdiction of the Washington Utilities and Transportation Commission (WUTC). Cascade submits that such facilities will be exempt from Federal regulation under section 1(c) of the NGA, 15 U.S.C. 1717(c). Cascade states that the rates and charges for its service in the State of Washington are fully regulated by the WUTC, and that all gas received by Cascade for transportation on Tenaska's behalf will be consumed in the state of Washington.

Cascade has prepared an environmental assessment of its proposed pipeline construction. Cascade states that approval of this construction will not constitute a major Federal action significantly affecting the quality of the human environment.

This application incorporates all of the terms and conditions imposed by the Commission for granting authorization for construction and connection of a natural gas pipeline and for a

Presidential permit for a point of entry for importation of natural gas from Canada.

Any person desiring to be heard or to protest this petition should file a motion to intervene or protest in accordance with rules 211 and 214 of the Commission's Rules of practice and procedure. All motions to intervene or protests should be submitted to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, not later than 20 days after notice. All protests filed will be considered but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene in accordance with rule 214.

2. Panhandle Eastern Pipeline Company

[Docket No. CP91-2710-000]

Take notice that on August 9, 1991, Panhandle Eastern Pipeline Company (Panhandle), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP91-2710-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to add the existing Jackson Pipeline meter as a delivery point to the sales agreement between Panhandle and Southern Michigan Gas Company (SEMCO), under Panhandle's blanket certificate issued in Docket No. CP83-83-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Panhandle requests authorization to add the Jackson Pipeline meter located in Jackson County, Michigan, as a delivery point for a gas sales service it provides to SEMCO pursuant to a gas sales agreement dated August 5, 1991. The gas sales service is provided pursuant to the terms and conditions of Panhandle's Rate Schedule G-1, it is stated.

Panhandle further states that the August 5, 1991 gas sales agreement would supersede a gas sales agreement dated April 25, 1991.

Panhandle states that the total volumes of natural gas to be delivered to SEMCO would not exceed the presently authorized volumes.

Comment date: September 30, 1991, in accordance with Standard Paragraph G at the end of this notice.

3. State of Texas

[Docket No. JD91-08499T Texas-3 Addition 9]

Take notice that on August 6, 1991, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination to the Commission, pursuant to § 271.703(c)(3) of the Commission's regulations, that the Canyon Formation underlying the Sugg Ranch (Canyon) Field, in portions of Sterling and Tom Green Counties, Texas, qualifies as a tight formation under section 107(b) of the Natural Policy Gas Act of 1978 (NGPA). The notice of determination covers approximately 24,500 acres in Sterling and Tom Green Counties, and consists of the following surveys: H & TC RR. Blk. 7, sections 17, 19, 30-35, 46-51, and the Tom Green County portions of Sections 62 and 63; GC & SF RR. Blk. A, sections 9-18; C. H. Sugg Survey, section 101; the Tom Green County portion of H & TC RR. Blk. 24, section 3030; T & P RR. Blk. 2, Sections 15-18 and the east ½ of section 19; Wm. P. Huff, Original Grantee, Blk. A, Survey 43; Mrs. Nannie R. Smith, Original Grantee, Blk. A, Survey 44; TC RR. Blk. A, sections 22, 23, and the Tom Green County portion of Sections 19, 21, and 24; the Tom Green County portion of the A. C. Sherick, Original Grantee, Blk. A, section 20; Lewis C. Clemons Survey 21½ and the Tom Green County portion of Survey 23½; and the Tom Green County portion of TC RR. Blk. H, sections 21 and 22. The notice of determination also contains Texas' findings that the referenced portion of the Canyon Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR, §§ 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

4. Trunkline Gas Co.

[Docket Nos. CP91-2762-000, CP91-2763-000, CP91-2764-000 and CP91-2765-000]

Take notice that on August 12, 1991, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251-1642, filed in the above-referenced dockets prior notice requests pursuant to § 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of shippers under its blanket certificate issued in Docket No. CP86-586-000, pursuant to section 7 of the Natural Gas Act all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[1]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Trunkline and is summarized in the attached appendix.

Comment date: September 30, 1991, in accordance with Standard Paragraph G at the end of this notice.

[1] These prior notice requests are not consolidated.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual Mcf	Receipt points	Delivery points	Contract date, rate schedule, service type,	Related docket, start up date
CP91-2762-000 (8-12-91)	Midcon Marketing Corporation (Marketer).	50,000 50,000 18,250,000	Off TX & LA, TX, IL, LA, TN.	LA	PT, Interruptible	ST91-9421-000, 6-25-91
CP91-2763-000 (8-12-91)	V.H.C. Gas Systems, L.P. (Marketer).	200,000 200,000 73,000,000	Off TX & LA, TX, IL, LA, TN.	LA	PT, Interruptible	ST91-9435-000, 6-22-91
CP91-2764-000 (8-12-91)	Midcon Marketing Corporation (Marketer).	50,000 50,000 18,250,000	Off TX & LA, TX, IL, LA, TN.	LA	PT, Interruptible	ST91-9422-000, 6-25-91

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual Mcf	Receipt points	Delivery points	Contract date, rate schedule, service type,	Related docket, start up date
CP91-2765-000 (8-12-91)	Midcon Marketing Corporation (Marketer).	50,000 50,000 18,250,000	Off TX & LA, TX, IL, LA, TN.	LA	PT, Interruptible	ST91-9432-000, 6-25-91.

5. Natural Gas Pipeline Co. of America; Northern Natural Gas Co.

[Docket No. CP91-2741-000]

Take notice that on August 12, 1991, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, and Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68102, (collectively referred to as Applicants) filed in Docket No. CP91-2741-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon, effective November 24, 1991: (1) the delayed exchange service between Applicants under Natural's Rate Schedule X-66 authorized in Docket No. CP76-307 and Northern's Rate Schedule X-53 authorized in Docket No. CP76-291; and (2) the transportation service performed by Natural for Northern under Natural's Rate Schedule X-67 authorized in Docket No. CP76-307, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Applicants state that they are parties to a delayed exchange agreement dated January 30, 1976 (Exchange Agreement). It is stated that the Exchange Agreement was entered into before Northern had finalized the permanent transportation arrangements necessary for taking into its own system the natural gas which it purchased in West Cameron Block 543, offshore Louisiana. It is further stated that under the Exchange Agreement Natural received gas produced in West Cameron Block 543 offshore Louisiana for the account of Northern at the production platform of Kerr-McGee Corporation.

Applicants state that once Northern had in place permanent arrangements for the receipt and redelivery of its West Cameron Block 543 gas, Natural paid back the volumes previously received under the Exchange Agreement by making available to Northern daily volumes of natural gas which Natural purchased in excess of 37.5 percent of the total gas produced from wells completed in West Cameron Block 543. It is stated that Northern's permanent transportation arrangements were entered into and commenced long ago. Applicants assert that the Exchange Agreement is no longer required and therefore propose to abandon their delayed exchange arrangement.

It is further stated that Natural currently provides firm transportation service of up to 18,000 Mcf of natural gas per day and interruptible transportation of up to 9,000 Mcf of natural gas per day for Northern pursuant to a gas transportation agreement between Natural and Northern dated February 5, 1976 (Transportation Agreement). Applicants state that Natural takes delivery from Cabot Corporation of Northern's gas produced in West Cameron Block 543 offshore Louisiana at the production platform of Kerr-McGee and transports such gas to a point of interconnection with Stingray Pipeline Company in West Cameron Block 565, offshore Louisiana. Applicants state that pursuant to a letter dated June 4, 1991, Northern has given Natural written notice of Northern's election to terminate the transportation Agreement and, therefore, Natural seeks to abandon the transportation service.

Comment date: September 5, 1991, in accordance with Standard Paragraph F at the end of the notice.

6. Columbia Gulf Transmission Co.; Southern Natural Gas Co.

[Docket Nos. CP91-2731-000, CP91-2732-000, CP91-2733-000, CP91-2734-000, CP91-2735-000, CP91-2736-000 and CP91-2737-000]

Take notice that Applicants filed in the respective dockets prior notice requests pursuant to § § 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under their blanket certificate pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[2]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicants and is summarized in the attached appendix.

Applicants state that each of the proposed services would be provided under an executed transportation agreement, and that Applicants would charge the rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: September 30, 1991, in accordance with Standard Paragraph G at the end of this notice.

Applicant: Columbia Gulf Transmission Company P.O. Box 683, Houston, TX 77001.

Blanket Certificate, Issued in Docket No.: CP86-239-000.

[2] These prior notice requests are not consolidated.

Docket No. (Date filed)	Shipper name (Type shipper)	Peak day [1], Avg. annual	Receipt points	Delivery points	Start up date rate, schedule	Related [2] dockets
CP91-2731-000 (08-09-91)	Coast Energy Group, Inc. (Producer).	25,000 20,000 7,300,000	LA, Offshore LA	LA	07-01-91, ITS-2	ST91-9547-000.
CP91-2732-000 (08-09-91)	Equitable Resources Marketing, Corp. (Marketer).	100,000 80,000 29,200,000	LA, Offshore LA, TX, Offshore TX, KY.	LA, Offshore LA, TX, Offshore TX, MS, TN.	07-02-91, ITS-1 &, ITS-2.	ST91-9543-000.

Docket No. (Date filed)	Shipper name (Type shipper)	Peak day [1], Avg, annual	Receipt points	Delivery points	Start up date rate, schedule	Related [2] dockets
CP91-2733-000 (08-09-91)	Tejas Hydrocarbon Company (Marketer).	100,000 80,000 29,200,000	LA, Offshore LA, TX	LA, Offshore LA, TX	07-04-91, ITS-2	ST91-9544-000.
CP91-2734-000 (08-09-91)	Phibro Energy, Inc. (Marketer).	10,000 8,000 2,900,000	LA	LA	07-01-91, FTS-2	ST91-9548-000.
CP91-2735-000 (08-09-91)	Consolidated Fuel Corporation (Marketer).	40,000 32,000 11,680,000	LA	LA	07-01-91, ITS-2	ST91-9546-000.

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] If an ST docket is shown, 120-day transportation service was reported in it.

Applicant: Southern Natural Gas Company P.O. Box 2563, Birmigham, AL 35202-2563.

Blanket Certificate Issued in Docket No.: CP88-316-000.

Docket No. (Date filed)	Shipper name (Type shipper)	Peak day [2] Avg. annual	Receipt points	Delivery point	Start up date rate schedule	Related [3] dockets
CP91-2736-000 (08-09-91)	Harbert Oil & Gas Corporation (Producer).	30,000 2,739 1,000,000	TX, Offshore LA and TX, MI, AL, LA.	GA, SC	06-18-91, IT	ST91-9450-000.
CP91-2737-000 (08-09-91)	Harbert Oil & Gas Corporation (Producer).	30,000 2,739 1,000,000	TX, LA, MS, Offshore TX and LA, AL.	AL	06-20-91, IT	ST91-9452-000.

7. Natural Gas Pipeline Company of America

[Docket No. CP91-2695-000]

Take notice that on August 8, 1991, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP91-2695-000, an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon, effective November 13, 1991, a firm transportation service provided by Natural for Northern Natural Gas Company (Northern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Natural states that it is providing a firm transportation service of up to 17,500 Mcf of natural gas per day for Northern pursuant to the certificate authorization granted in Docket No. CP79-442, and a gas transportation agreement between Natural and Northern dated July 11, 1979, on file with the Commission as Natural's Rate Schedule X-110. Natural states that it receives up to 17,500 Mcf of natural gas per day for the account of Northern in West Cameron Block 277, Offshore Louisiana and redelivers the gas to Columbia Gulf Transmission for Northern's account in West Cameron Block 616 or Block 630, Offshore Louisiana. Natural transports the gas through its allocated firm capacity on Stingray Pipeline Company system, it is stated.

Northern further states that the gas transportation agreement provides for termination by either party at the end of the primary term (November 13, 1989) or any succeeding annual period on 90 days written notice. By letter dated April 24, 1991, Northern gave notice of its intent to terminate the gas transportation agreement, it is stated.

Natural is not proposing the abandonment of any facilities herein.

Comment date: September 5, 1991, in accordance with Standard Paragraph F at the end of this notice.

8. Transwestern Pipeline Co.

[Docket Nos. CP91-2760-000, CP91-2761-000]

Take notice that on August 12, 1991, Transwestern Pipeline Company (Transwestern), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251-1188 filed prior notice requests with the Commission in the above-referenced dockets pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued in Docket No. CP88-133-000, pursuant to section 7 of the NGA, all as more fully set forth in the requests which are open to public inspection.[3]

Transwestern has provided information applicable to each transaction, including the shipper's identity; the type of transportation service; the appropriate transportation rate schedule; the peak day, average day, and annual volumes; the service initiation date; and the related ST docket number of the 120-day transactions under § 284.223 of the Commission's Regulations, as summarized in the appendix.

Comment date: September 30, 1991, in accordance with Standard Paragraph G at the end of this notice.

[3] These prior notice requests are not consolidated.

Docket No.	Shipper name (type)	Peak day, average day, annual MMBtu	Receipt points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-2760-000	BridgeGas U.S.A., Inc. (Marketer).	500,000 375,000 182,500,000	AZ, NM, OK, TX	AZ, NM, OK, TX	7-18-91, ITS-1, Interruptible.	ST91-9891, 7-23-91.

Docket No.	Shipper name (type)	Peak day, average day, annual MMBtu	Receipt points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-2761-000	Broad Street Oil & Gas Company (Producer).	50,000 37,500 18,250,000	AZ, NM, OK, TX	AZ, NM, OK, TX	2-12-91, ITS-1, Interruptible.	ST91-9890, 7-23-91.

9. Panhandle Eastern Pipe Line Co.

[Docket Nos. CP91-2711-000, CP91-2712-000, CP91-2713-000, and CP91-2714-000]

Take notice that on August 9, 1991, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251-1642, filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of shippers under its blanket certificate issued in Docket No. CP86-585-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[4]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Panhandle and is summarized in the attached appendix.

Comment date: September 30, 1991, in accordance with Standard Paragraph G at the end of this notice.

[4] These prior notice requests are not consolidated.

Docket number (date filed)	Shipper name (type)	Peak day, average day, annual Dth	Receipt points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-2711-000 (8-9-91)	Krup and Associates (Marketer).	50,000 50,000 18,250,000	Various	OH	5-24-88, PT, Interruptible.	ST91-9358-000, 6-1-91.
CP91-2712-000 (8-9-91)	Tenngasco (Marketer)	50,000 50,000 18,250,000	Various	MI	11-7-89, PT, Interruptible.	ST91-9427-000, 6-1-91.
CP91-2713-000 (8-9-91)	BP Gas, Inc. (Marketer)	30,000 30,000 10,950,000	Various	MO	6-21-89, PT, Interruptible.	ST91-9389-000, 6-2-91.
CP91-2714-000 (8-9-91)	Western Gas Marketing USA, LTD. (Broker).	100,000 100,000 36,500,000	Various	IL	12-8-88, PT, Interruptible.	ST91-9354-000, 6-1-91.

10. Natural Gas Pipeline Company of America, et al;

[Docket Nos. CP91-2739-000, CP91-2740-000, CP91-2744-000, CP91-2745-000, and CP91-2746-000

Take notice that on August 12, 1991, Applicants filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of shippers under the blanket certificates issued to Applicants pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[5]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicants and is summarized in the attached appendix A. Applicants' addresses and transportation blanket certificates are shown in the attached appendix B.

Comment date; September 30, 1991, in accordance with Standard Paragraph G at the end of this notice.

[5] These prior notice requests are not consolidated.

Docket number (date filed)	Shipper name (type)	Peak day, average day, annual MMBtu	Receipts [1] points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-2739-000 (8-12-91)	Meridian Oil Trading, Inc. (marketer).	200,000 50,000 18,250,000	Various	OTX, IO, TX, OK, CO, NM, LA, OLA, IL	April 1, 1991, ITS, interruptible.	ST91-9404-000, 6-07-91.
CP91-2740-000 ST91-9511-000 (8-12-91)	Great Northern Corporation (end user).	10,000 5,000 1,825,000	Various	TX, OTX, IO, OK, CO, NM, LA, OLA, IL	October 17, 1988,[2] ITS, interruptible.	6-12-91.
CP91-2744-000 (8-12-91)	Great Northern Corporation (end user).	150,000 20,000 7,300,000	IL	WI	October 17, 1988, ITS, Interruptible.	ST91-9512-000, 6-12-91.

Docket number (date filed)	Shipper name (type)	Peak day, average day, annual MMBtu	Receipts [1] points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-2745-000 (8-12-91)	Texpar Energy, Inc. (marketer).	100,000 100,000 [2] 36,500,000	Various	MI	August 3, 1989, PT, interruptible.	ST91-9567-000, 6-25-91.
CP91-2746-000 (8-12-91)	Enogex Services Corporation (marketer).	30,000 30,000 [4] 10,950,000	Various	IN	March 20, 1989, PT, interruptible.	ST91-9637-000, 6-29-91.

[1] Offshore Louisiana and offshore Texas are shown as OLA and OTX.
[2] As amended.
[3] Panhandle's quantities are in dekatherms.
[4] Panhandle's quantities are in dekatherms.

Applicant's address	Blanket docket
Moraine Pipeline Company, 701 East 22nd Street, Lombard, Illinois 60148.	CP86-492-000.
Natural Gas Pipeline Company of America, 701 East 22nd Street, Lombard, Illinois 60148.	CP86-582-000.
Panhandle Eastern Pipe Line Company, P.O. Box 1642, Houston, Texas 77251-1642.	CP86-585-000.

11. Panhandle Eastern Pipe Line Co.

[Docket No. CP91-2666-000]

Take notice that on August 5, 1991, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP91-2666-000, a request pursuant to section 7(b) of the Natural Gas Act and §§ 157.7 and 157.18 of the Commission's Regulations for permission and approval to abandon the exchange of natural gas with Williams Natural Gas Company (WNG), formerly Northwest Central Pipeline Corporation, formerly Cities Service Gas Company, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Panhandle states that on June 30, 1980, it entered into a gas exchange agreement with WNG, as amended October 27, 1980 and April 10, 1984 (exchange agreement). Panhandle indicates that the gas exchange service is performed pursuant to Rate Schedule E-14 of its FERC Gas Tariff Original Volume No. 2, and that the primary term of the exchange agreement is 10 years. Panhandle indicates that due to the termination/release of its gas purchases, and recent negotiations with WNG, Panhandle and WNG have mutually agreed that the service performed pursuant to Panhandle's Rate Schedule E-14 is no longer required. Panhandle states that consistent with its written notice of intent to terminate the exchange agreement, Panhandle is requesting permission to abandon the exchange agreement with WNG.

Comment date: September 5, 1991, in accordance with Standard Paragraph F at the end of this notice.

12. Northern Natural Gas Co.; Transwestern Pipeline Co.

[Docket Nos. CP91-2771-000 and CP91-2773-000]

Take notice that on August 13, 1991, Northern Natural Gas Company, 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251-1188, and Transwestern Pipeline Company, 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251-1188, (Applicants) filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of shippers under the blanket certificates issued in Docket No. CP86-435-000, and Docket No. CP88-133-000, respectively, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[6]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicants and is summarized in the attached appendix.

Comment date: September 30, 1991, in accordance with Standard Paragraph G at the end of this notice.

[6] These prior notice requests are not consolidated.

Docket number (date filed)	Shipper name (type)	Peak day, average day, annual MMBtu	Receipt [1] points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-2771-000 (8-13-91)	Graham Energy Marketing Corp. (Marketer).	70,000 52,500 25,550,000	OTX, OLA, OMS	OTX, OLA	7-10-91, IT-1, Interruptible.	ST91-9892-000, 7-10-91.
CP91-2773-000 (8-13-91)	Sid Richardson Carbon & Gasoline Company (End-user).	20,000 15,000 7,300,000	AZ, NM, OK, TX	AZ, NM, OK, TX	7-1-91, ITS-1, Interruptible.	ST91-9845-000, 7-1-91.

[1] Offshore Louisiana, offshore Mississippi, and offshore Texas are shown as OLA, OMS, and OTX, respectively.

13. El Paso Natural Gas Company

[Docket No. CP91-2668-000]

Take notice that on August 5, 1991, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP91-2668-000 a request pursuant to §§ 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.216) for authorization to abandon by removal approximately 20.5 miles of a 10¾" pipeline, and the service

related to a sales tap on that segment, under its blanket certificate issued in Docket No. CP82-435-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

El Paso proposes to abandon (i) approximately 20.5 miles of the 10¾" O.D. Lateral 16 Line, and (ii) one 1" O.D. tap and valve assembly, with appurtenances, and the related sale for resale service provided at the Loveall Tap to Southwest Gas Corporation (Southwest). El Paso states that Southwest no longer requires service at this tap and has agreed to its abandonment and removal. El Paso further states that the remaining eleven miles of the Lateral 16 Line would continue to be used in providing natural gas service to Southwest and Arizona Public Service Company (APS). El Paso explains that gas would enter this remaining segment from El Paso's 30" O.D. Casa Grande Line through an existing segment of crossover line. Thus, El Paso concludes that the remaining thirteen sales taps and meter stations located on the Lateral 16 Line downstream of the segment to be abandoned would not be affected by the proposed abandonment. El Paso stresses that no interruption of natural gas service would occur as a result of the abandonment of 20.5 miles of the Lateral 16 Line.

El Paso states that the subject facilities were authorized to be constructed and operated by the Commission in its order issued November 29, 1951, at Docket No. G-1345 (10 FPC 644) as a sales lateral pipeline extending approximately 31.5 miles (Lateral 16 Sales Lateral Pipeline or Lateral 16 Line) from El Paso's existing California and California First Loop Lines to the West Phoenix Power Plant and the Lateral 16 City Gate Meter Station. El Paso explains that the Lateral 16 Line permitted El Paso to initiate the sales and delivery of natural gas on a direct sales basis to APS at the West Phoenix Power Plant and on a sale for resale basis to Southwest at the Lateral 16 City Gate Meter Station, both near Phoenix, Arizona. El Paso further explains that subsequent to the construction of the Lateral 16 Line, El Paso installed the Claude C. Loveall Sales Tap. El Paso states that this tap is located at approximately milepost 1.9 on the segment of the Lateral 16 Line proposed to be abandoned and removed. El Paso advises that the sale for resale service at the Loveall Tap was provided under the Gas Sales Agreement between El Paso and Southwest dated August 15, 1970, currently on file with the Commission.

El Paso states that its decision to abandon the subject segment is driven by the fact that the line is in an area apparently containing a high level of corrosive factors in the soil surrounding this segment of pipeline. Given the age of the line (some 40 plus years), the fact that the pipeline coating has become extremely weak and the continuous maintenance and associated cost required to maintain cathodic protection, El Paso is proposing to abandon this portion of the Lateral 16 Line. El Paso states that it can utilize the capacity available in its 30" O.D. Casa Grande Line, which line parallels the Lateral 16 Line along this segment. Based upon this capability, El Paso concludes that this segment of the Lateral 16 Line essentially is redundant and can be abandoned from natural gas service. It is stated that the segment of the Lateral 16 Line proposed to be abandoned originates at a point on El Paso's California and California First Loop Lines and extends approximately 20.5 miles in a northerly direction toward Phoenix, Arizona, to a point near the South Mountain Meter Station.

El Paso avers that there would be no adverse environmental effects from the proposed abandonment by removal, based upon El Paso's environmental review. El Paso states that, following grant of the requested authorization, it would (i) cut the Lateral 16 Line at the end of the 20.5 mile segment; (ii) purge the abandoned pipeline segment of natural gas; (iii) excavate and exhume the abandoned segment of the Lateral 16 Line; and (iv) return the landscape to its natural state.

Comment date: September 30, 1991, in accordance with Standard Paragraph G at the end of this notice.

14. Colorado Interstate Gas Co.

[Docket Nos. CP91-2678-000 and CP91-2679-000]

Take notice that on August 7, 1991, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of shippers under its blanket certificate issued in Docket No. CP86-589, *et al.*, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection. [1]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by CIG and is summarized in the attached appendix.

Comment date: September 30, 1991, in accordance with Standard Paragraph G at the end of this notice.

[1] These prior notice requests are not consolidated.

Docket number (date filed)	Shipper name (type)	Peak day, average day, annual Mcf	Recipient points	Delivery points	Contract date, rate schedule, service type	Related Docket, start up date
CP91-2678-000 (8-7-91)	Phillips Pipe Line Company (End User).	200 200 73,000	WY	CO	7-1-89, TF-1, Firm	ST91-9612-000, 7-1-91.
CP91-2679-000 (8-7-91)	Western Gas Resources, Inc. (Marketer).	20,000 12,500 2,000,000	WY	CO, WY, OK	5-15-91, TF-1, Firm.	ST91-9847-000, 7-1-91.

15. Panhandle Eastern Pipe Line Co.

[Docket Nos. CP91-2747-000, CP91-2748-000, CP91-2749-000, CP91-2750-000, CP91-2751-000, and CP91-2752-000

Take notice that on August 12, 1991, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251-1642, filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of shippers under its blanket certificate issued in Docket No. CP86-585-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[8]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Panhandle and is summarized in the attached appendix.

Comment date: September 30, 1991, in accordance with Standard Paragraph G at the end of this notice.

[8] These prior notice requests are not consolidated.

Docket number (date filed)	Shipper name (type)	Peak day, average day, annual Dth	Receipt points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-2747-000 (8-12-91)	Citizens Gas Supply Corporation (Marketer).	50,000 50,000 18,250,000	Various	IL	10-3-89, PT, Interruptible.	ST91-9500-000, 6-14-91.
CP91-2748-000 (8-12-91)	PSI, Inc. (Marketer)	110,000 110,000 40,150,000	Various	OH	7-6-89, PT, Interruptible.	ST91-9635-000, 6-29-91.
CP91-2749-000 (8-12-91)	BP Gas, Inc. (Marketer)	15,000 15,000 5,475,000	Various	IN	4-18-89, PT, Interruptible.	ST91-9632-000, 6-29-91.
CP91-2750-000 (8-12-91)	PSI, Inc. (Marketer)	100,000 100,000 36,500,000	Various	IN	11-9-88, PT, Interruptible.	ST91-9631-000, 6-29-91.
CP91-2751-000 (8-12-91)	Tarpon Gas Marketing LTD (Marketer).	50,000 50,000 18,250,000	Various	MI	4-13-89, PT, Interruptible.	ST91-9568-000, 6-29-91.
CP91-2752-000 (8-12-91)	PSI, Inc. (Marketer)	110,000 110,000 40,150,000	Various	OH	7-6-89, PT, Interruptible.	ST91-9635-000, 6-29-91.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 91-20062 Filed 8-21-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI91-115-000, et al.]

San Diego Gas & Electric Co., et al.; Natural Gas Certificate Filings

August 14, 1991.

Take notice that the following filings have been made with the Commission:

1. San Diego Gas & Electric Co.

[Docket No. CI91-115-000]

Take notice that on August 7, 1991, San Diego Gas & Electric Company (SDG&E) of Post Office Box 1831, San Diego, California 92112, filed an application pursuant to sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for an unlimited-term blanket certificate

with pregranted abandonment authorizing sales in interstate commerce for resale of all NGPA categories of natural gas which are subject to the Commission's jurisdiction under the NGA, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Comment date: September 3, 1991, in accordance with Standard Paragraph J at the end of this notice.

Transcontinental Gas Pipe Line Corp.

[Docket No. CP91-2469-001]

Take notice that on August 8, 1991, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP91-2469-001 a request pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to operate a certain delivery point for purposes other than section 311 transportation service for Citizens Gas Supply Corporation (Citizens) under its blanket certificate issued in Docket No. CP82-426-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

A notice was issued in Docket No. CP91-2469-000 on July 18, 1991, of Transco's request to transport gas for Citizens under the blanket authorization issued in Docket No. CP88-328-000. Transco states that a certain existing Section 311 transportation facility known as the Orange and Rockland-Rivervale delivery point is listed in the May 1, 1988, transportation agreement, as amended, as a delivery point for the instant service.

Thus, Transco requests authorization to use the Orange and Rockland-Rivervale delivery point for deliveries of the subject gas to Citizens as well as enabling Transco to perform various jurisdictional services in the future.

Comment date: September 30, 1991, in accordance with Standard Paragraph G at the end of this notice.

3. Williston Basin Interstate Pipeline Co.

[Docket No. CP91-2675-000]

Take notice that on August 6, 1991, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 200, 304 East Rosser Avenue, Bismarck, North Dakota 58501, filed in Docket No. CP91-2675-000, an application pursuant to section 7(b) of the Natural Gas Act (NGA) for permission and approval to abandon certain storage wells in the Baker Storage Field, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Williston Basin was granted authorization in the settlement proceeding in Docket Nos. CP82-487-000, *et al.*, 30 FERC ¶ 61,143 (1985), to among other things, acquire and operate the Baker Storage Field, Fallon County, Montana. In this proceeding, Williston Basin requests authority to abandon two wells located in the Judith River Storage formation of the Baker Storage Field.

The first well to be abandoned is Well No. 121 which is located in Unit 5 of the storage field. The legal description of the well location is the NW ¼ of section 26, township 8 North, Range 59 East Fallon County, Montana. Williston Basin contends that this well is being abandoned because of a gas leak problem. The well was completed in 1930 and was converted to a storage well in 1962. Several repair attempts have been made on this well with no long-term success.

The second well to be abandoned is Well No. 239 and is located in Unit 6 of the storage field. The legal description of the well location is the SE¼ of section 30, township 7 North, Range 60 East, Fallon County, Montana. This well is also being abandoned because of a gas leak problem. The well was completed in 1931 and was converted to a storage well in 1982. Williston Basin alleges that this well is leaking gas to the surface from outside the surface casing. Since this well was originally completed with only 2 inch production casing and is virtually impossible to repair, abandonment is necessary.

Williston Basin contends that the two gas storage wells do not affect its current operations nor impact its customer service. The estimate cost of plugging and abandoning the two wells is $16,684.

Comment date: September 4, 1991, in accordance with Standard Paragraph F at the end of this notice.

4. Columbia Gas Transmission Corp.

[Docket Nos. CP91-2700-000,[1] CP91-2701-000, CP91-2702-000]

Take notice that on August 8, 1991, Columbia Gas Transmission Corporation (Columbia); P.O. Box 1273, Charleston, West Virginia 25325-1273, filed in the above reference dockets, prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 284.223) for authorization to transport natural gas on behalf of various shippers under its blanket certificates issued in Docket No. CP86-240-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection and in the attached appendix.

Information applicable to each transaction including the identity of the shipper, the contract date of the transportation agreement between Columbia and the respective shipper, the transportation agreement number, function of the shippper, i.e., marketer, producer, intrastate pipeline, etc., the type of transportation service, the appropriate transportation rate schedule, the peak day, average day, and annual volumes, and the docket number and initiation dates of the 120-day transactions under § 284.223 of the Commission's Regulations has been provided by Columbia and is included in the attached appendix.

Columbia alleges that it would provide the proposed service for each shipper under an executed gas transportation agreement and would charge rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: September 30, 1991, in accordance with standard Paragraph G at the end of this notice.

[1] These prior notice requests are not consolidated.

Docket No., trans. agree., (tran. agr. no.)	Shipper name	Shipper's function	Peak day [1] Avg. Annual	Points of		Start up date rate schedule, service type	Related dockets [2]
				Receipt	Delivery		
CP91-2700-000 10-22-90 (35755)	Ensearch Gas Company Inc..	Marketer.....	100,000 80,000 36,500,000	Various existing points.	NY, CT, & MA.....	6-1-91, ITS, Interruptible.	ST91-9240-000.

Docket No., trans. agree., (tran. agr. no.)	Shipper name	Shipper's function	Peak day [1] Avg. Annual	Points of		Start up date rate schedule, service type	Related dockets [2]
				Receipt	Delivery		
CP91-2701-000 5-23-91 (35965)	Interstate Gas Supply, Inc.	Marketer	5,000 4,000 1,825,000	KY	OH	6-2-91, ITS, Interruptible.	ST91-9061-000.
CP91-2702-000 6-1-91 (35964)	Aristech Chemical Corporation.	End-User	8,527 6,822 3,112,355	KY	OH	6-1-91, FTS, Firm	ST91-9241-000.

[1] Quantities are shown in Dth.
[2] The ST docket indicates that 120-day transportation service was initiated under Section 284.223(a) of the Commission Regulations.

5. Arkla Energy Resources, a Division of Arkla, Inc. Trunkline Gas Co.; Transcontinental Gas Pipe Line Corp.; Panhandle Eastern Pipe Line Co.; et al.

[Docket Nos. CP91-2685-000; CP91-2687-000; CP91-2689-000; CP91-2754-000; CP91-2755-000; CP91-2756-000; CP91-2758-000]

Take notice that Applicants filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of shippers under the blanker certificates issued to Applicants pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[2]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicants and is summarized in the attached appendix A. Applicant's addresses and transportation blanket certificates are shown in the attached appendix B.

Comment date: September 30, 1991, in accordance with Standard Paragraph G at the end of this notice.

[2] These prior notice requests are not consolidated.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual dt	Receipt points [1]	Delivery points	Contract date, rate schedule service type	Related docket, start up date
CP91-2685-000 (8-7-91)	Various (Marketer)	240,000 192,000 70,080,000	Multiple	Multiple	Several, IT, in	Several, various.
CP91-2687-000 (8-7-91)	American Central Gas Companies, Inc. (Marketer).	100,000 100,000 36,500,000	Multiple	Multiple	5-24-91, PT, interruptible.	ST91-9335, 6-1-91.
CP91-2689-000 (8-7-91)	Santa Fe International Corp. (Producer).	90,000 30,000 10,950,000	Multiple	Multiple	5-6-91, IT, interruptible.	ST91-9609, 6-19-91.
CP91-2754-000 (8-12-91)	BP GAs, Inc. (Marketer)	4,800 4,800 1,752,000	Multiple	Multiple	5-22-89, PT, interruptible.	ST91-9571, 6-25-91.
CP91-2755-000 (8-12-91)	BP GAs, Inc. (Marketer)	50,000 50,000 18,250,000	Multiple	Multiple	4-18-89, PT, interruptible.	ST91-9634, 6-29-91.
CP91-2756-000 (8-12-91)	Enogex Services Corporation (Marketer).	30,000 30,000 10,950,000	Multiple	Multiple	3-20-89, PT, interruptible.	ST91-9633, 6-29-91.
CP91-2758-000 (8-12-91)	Transtate Gas Service Company (Marketer).	85,000 85,000 31,025,000	Multiple	Multiple	1-26-89, PT, interruptible.	ST91-9569-000, 6-21-91.

[1] Offshore Louisiana and offshore Texas are shown as OLA and OTX.

6. Colorado Interstate Gas Co.

[Docket No. CP91-2769-000]

Take notice that on August 13, 1991, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP91-2769-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for John Brown E & C, Inc., an end user, under the blanket certificate issued in Docket No. CP86-589, *et al.*, pursuant to section 7 of the National Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

CIG states that, pursuant to an agreement dated June 1, 1991, under its Rate Schedule TI-1, it proposes to transport up to 8,000 Mcf per day of natural gas. CIG indicates that the gas would be transported from receipt points located in Wyoming, Colorado, and Utah, and would be redelivered at delivery points located in Wyoming. CIG further indicates that it would transport 4,000 Mcf on an average day and 1,460 Mcf annually.

CIG advises that service under § 284.223(a) commenced June 1, 1991, as reported in Docket No. ST91-9396.

Comment date: September 30, 1991, in accordance with Standard Paragraph G at the end of this notice.

7. Panhandle Eastern Pipe Line Co.

[Docket Nos. CP91-2715-000; CP91-2716-000; CP91-2717-000; CP91-2718-000; CP91-2719-000.

Take notice that on August 9, 1991, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77251-1642, filed in the above referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued in Docket No. CP86-585-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[3]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicant and is summarized in the attached appendix.

Applicant states that each of the proposed services would be provided under an executed transportation agreement, and that Applicant would charge the rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: September 10, 1991, in accordance with Standard Paragraph G at the end of this notice.

[3] These prior notice requests are not consolidated.

Docket No. (date filed)	Shipper name	Peak day, average day annual [1]	Receipt points [2]	Delivery points	Start up date, rate schedule, service type	Related docket,[3] contract date
CP91-2715-000 (8-09-91)	Western Gas Marketing USA LTD.	26,500 26,500 9,672,500	KS, MI, OK, TX, CO, WY, IL, OH, LA, OLA, OTX, Canada.	MI	6-01-91, PT, Interruptible.	ST91-9352-000 08-29-88.
CP91-2716-000 (8-09-91)	Twister Transmission Company.	40,000 40,000 14,600,000	OK, TX, KS, CO	KS	6-01-91, PT, Interruptible.	ST91-9332-000 10-19-89.
CP91-2717-000 (8-09-91)	Krupp & Associates	50,000 50,000 18,250,000	KS, TX, MI, OK, CO, WY, IL, OH, LA, OTX, OLA, Canada.	MI	6-01-91, PT, Interruptible.	ST91-9327-000 06-26-89.
CP91-2718-000 (8-09-91)	Western Gas Marketing USA LTD.	40,000 40,000 14,600,000	KS, TX, MI, OK, CO, WY, IL, OH, LA, OLA, OTX, Canada.	OH	6-01-91, PT, Interruptible.	ST91-9330-000 12-01-88.
CP91-2719-000 (8-09-91)	Panhandle Trading Company.	100,000 100,000 36,500,000	KS, TX, MI, OK, CO, WY, IL, OH, LA, OLA, OTX, Canada.	IL	6-01-91, PT, Interruptible.	ST91-9333-000 1-25-91.

[1] Quantities are shown in dt.
[2] Offshore Texas and Offshore Louisiana are shown as OTX and OLA, respectively.
[3] If an ST docket is shown, 120-day transportation service was reported in it.

8. TEX/CON Oil & Gas Co.

[Docket No. CI91-112-000]

Take notice that Applicant has filed an application pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce as described herein, all as more fully described in the application which is on file with the Commission and open to public inspection.

Comment date: September 3, 1991, in accordance with Standard Paragraph J at the end of the notice.

Docket No. and date filed	Applicant	Purchaser and location	Description
CI91-112-000 F 8-6-91	TEX/CON Oil & Gas Company, 9401 Southwest Freeway, Suite 1200, Houston, Texas 77074.	Northern Natural Gas Company, N.E. Catesby Field, Ellis County, Oklahoma.	Acreage acquired from Arco Oil and Gas Company.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Assignment of acreage; E—Succession; F—Partial Succession.

Standard Paragraphs:

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's rules.

Take further notice that, purusant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is

required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person of the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Standard Paragraph:

J. Any person desiring to be heard or make any protest with reference to said filings should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 a motion to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 91-20065 Filed 8-21-91; 8:45am]

BILLING CODE 6717-01-M

[Docket No. JD91-08540T Alabama-3]

State Oil and Gas Board of Alabama; Determination Designating Tight Formation

August 16, 1991.

Take notice that on August 12, 1991, the State Oil and Gas Board of Alabama (Alabama) submitted the above-referenced notice of determination to the Commission, pursuant to § 271.703(c)(3) of the Commission's regulations, that the sandstones of the Pottsville Series, in the Black Warrior Coal Basin, in Hale, Tuscaloosa, Pickens, and Greene Counties, Alabama, qualify as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA). The sandstones of the Pottsville Series are found beneath the top of the Mary Lee coal interval, within the subject area. The subject area consists of: All of T19S, R8-12W; all of T20S, R7-12W, R14W and R15W; sections 1-23 and 27-33 in T21S, R7W; all of T21S, R8-12W; sections 13-36 in T21S, R13W; all of T21S, R14W; sections 1-3 and 10-36 in T21S, R15W; section 6 in T22S, R7W; sections 1-12, 14-22, and 27-30 in T22S, R8W; all of T22S, R9-15W; all of the Huntsville Meridian; sections 4-8 and 18 in T24N, R7E; sections 1-34 in T24N, R6E; all of T24N, R1-5E; all of T24N, R1W; sections 4-7 in T23N, R6E; sections 1-12 and 14-21 in T23N, R5E; sections 1-30 in T23N, R3E and R4E; all of T23N, R1E and R2E; sections 1-12 and 14-18 in T22N, R1E; and all of the St. Stephens Meridian. The notice of determination also contains Alabama's findings that the Pottsville Series sandstones within the subject area meet the requirements of the commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 91-20071 Filed 8-21-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD91-08541T Tennessee-2]

State Oil and Gas Board of Tennessee; Determination Designating Tight Formations

August 16, 1991.

Take notice that on August 12, 1991, the State Oil and Gas Board of Tennessee (Tennessee) submitted the above-referenced notice of determination to the Commission, pursuant to § 271.703(c)(3) of the Commission's regulations, that the Nashville, Stones River and Knox Groups in a portion of Overton County, Tennessee, qualify as tight formations under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA). The Nashville Group consists of the Catheys Formation, the Bigby-Cannon Limestone, and the Hermitage Formation. The Stones River Group consists of the Carters, Lebanon, Ridley, Pierce, and Murfreesboro Limestones, and the Wells Creek Dolomite. The Knox Group consists of the Knox Dolomite. The notice of determination covers an area bounded in the north by the Overton County line in Township A, Range 50-52 East, on the east by the Overton County line in Township 1-3 South, Range 53 East, on the south by a line on sections 16-20, Township 3 South, Range 49-53 East and the southern boundary of the Hilham Quadrangle, and on the west by the western edge of the Okalona Quadrangle, Township 2-3 South, Range 50 East and the Overton County line, Township 1-2 South, Range 49-50 East. The notice of determination also contains Tennessee's findings that the referenced portion of the Nashville, Stones River and Knox Groups meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR, 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 91-20072 Filed 8-21-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ91-7-20-000]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

August 16, 1991.

Take notice that Algonquin Gas Transmission Company ("Algonquin") on August 14, 1991, tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1, as set forth in the revised tariff sheets:

Proposed to be effective September 1, 1991

Sub 5 Rev Sheet No. 21
Sub 5 Rev Sheet No. 22
Sub 1 Rev Sheet No. 25
Sub 5 Rev Sheet No. 26
Sub 5 Rev Sheet No. 27
Sub 5 Rev Sheet No. 28
Sub 5 Rev Sheet No. 29

Algonquin states that on August 1, 1991 in Docket No. TQ91-6-20-000, Algonquin filed tariff sheets comprising

its quarterly purchased gas adjustment (PGA) to become effective September 1, 1991. Subsequently, on August 7, 1991 the Commission rejected the filing under § 385.2001(b) of the regulations, without prejudice to Algonquin's resubmitting the filing with a corrected electronic medium. Algonquin states that it is refiling its Quarterly PGA to comply fully with the Commission's electronic medium standards and is not making any changes in the total rate submitted under Docket No. TQ91–6–20–000.

Algonquin states that the proposed effective date for the revised tariff sheets listed above is September 1, 1991.

Algonquin states that the rate effect embodied in Docket No. TQ91–6–20–000 and carried forth in the instant filing is to increase the demand charges by $0.3320 per MMBtu and to increase the commodity charges by $0.6203 per MMBtu under all of Algonquin's firm sales rate schedules from those rates contained in Algonquin's Interim PGA filing of August 14, 1991 in Docket No. TF91–4–20–002 and TM91–10–20–002.

Algonquin notes that copies of this filing were served upon each affected party and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's rules and regulations. All such motions or protests should be filed on or before August 23, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 91–20074 Filed 8–21–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TF91–4–20–002 & TM91–10–20–002]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

August 16, 1991.

Take notice that Algonquin Gas Transmission Company ("Algonquin") on August 14, 1991, tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1, as set forth in the revised tariff sheets:

Proposed to be effective July 1, 1991

2 Sub 4 Rev Sheet No. 21
2 Sub 4 Rev Sheet No. 22
3 Sub Original Sheet No. 25
2 Sub 4 Rev Sheet No. 26
2 Sub 4 Rev Sheet No. 27
2 Sub 4 Rev Sheet No. 28
2 Sub 4 Rev Sheet No. 29

Algonquin states that the revised tariff sheets listed above are being filed to comply with a Commission Letter Order dated August 2, 1991, which accepted Algonquin's revised tariff sheets filed in Docket Nos. TF91–4–20–000 & 001 and TM91–10–20–000 & 001 and instructed Algonquin to refile within 15 days to reflect the suppliers' rates in effect as of the effective date of the PGA. Algonquin states that these tariff sheets also reflect current Texas Eastern Transmission Corporation standby charges and a corrected Sheet No. 29.

Algonquin notes that copies of this filing were served upon each affected party and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's rules and practice and procedure 18 CFR 385.211. All such protests should be filed on or before August 23, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–20076 Filed 8–21–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TM91–5–23–000 and GT91–35–000]

Eastern Shore Natural Gas Co.; Proposed Changes in FERC Gas Tariff

August 16, 1991.

Take notice that Eastern Shore Natural Gas Company (ESNG) tendered for filing on August 13, 1991 certain revised tariff sheets included in appendix A attached to the filing. Such sheets are proposed to be effective August 1, 1991.

ESNG states that such tariff sheets are being filed in order to reflect several changes to certain of Transcontinental Gas Pipe Line Corporation's (Transco) storage service rate schedules which underlie similar storage services provided to its customers by ESNG. Transco is making these changes with the approval of the Commission in its June 19, 1991 "Order Approving Settlements As Modified and Issuing Certificates" in their Docket Nos. CP88–391–004, et al. and Docket Nos. RP87–7–000, et al.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protect said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 and Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and § 385.214). All such motions or protests should be filed on or before August 23, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–20077 Filed 8–21–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–187–001]

Florida Gas Transmission Co.; Compliance Filing

August 16, 1991.

Take notice that on August 14, 1991, Florida Gas Transmission Company (FGT) tendered for filing to become part of its FERC Gas Tariff, the following tariff sheets:

Substitute First Revised Sheet No. 51
Substitute Original Sheet No. 54A
Substitute First Revised Sheet No. 61
Substitute Third Revised Sheet No. 63
Substitute Second Revised Sheet No. 64
Substitute First Revised Sheet No. 260
Substitute First Revised Sheet No. 405
Substitute Original Sheet No. 405A
Substitute First Revised Sheet No. 418

FGT states that by Commission Order issued July 31, 1991 in the above-referenced dockets, the Commission accepted an suspended for the full five-month suspension period, subject to refund, and further subject to conditions as described below, tariff sheets filed by FGT on July 1, 1991 pursuant to Section 4 of the Natural Gas Act to implement a general rate increase and changes in rates, terms, and conditions applicable to FGT's services.

In compliance with ordering paragraph (D) of the July 31 Order, FGT submits herein revised tariff sheets to:

(a) Reflect the removal of the Fixed Cost Recovery Charge on Substitute First Revised Sheet No. 51;

(b) Provide the same definition of "Conversion Year" on Substitute First Revised Sheet No. 260 as is specified on First Revised Sheet No. 259;

(c) Reflect the removal of the provisions which allow the transfer of contract demand between Rate Schedule WPPS and Rate Schedule SGS on Substitute Original Sheet Nos. 54A and 405A, Substitute First Revised Sheet Nos. 61, 405 and 418, Substitute Third Revised Sheet No. 63, and Substitute Second Revised Sheet No. 64.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before August 23, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-20069 Filed 8-21-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-145-003]

Florida Gas Transmission Co.; Compliance Filing

August 16, 1991.

Take notice that on August 14, 1991, Florida Gas Transmission Company (FGT) tendered for filing to become part of its FERC Gas Tariff, the following tariff sheets:

Proposed Effective June 1, 1991

Second Substitute First Revised Sheet No. 102
Substitute First Revised Sheet No. 248
Second Substitute Original Sheet No. 248A

FGT states that by Commission Order issued May 31, 1991 in the above-referenced docket, the Commission accepted, subject to certain conditions, tariff sheets reflecting changes in the procedures for both submitting a valid request for firm service and for maintaining an existing position on FGT's Firm Natural Gas Service Log ("Firm Service Log") to be effective June 1, 1991.

On July 31, 1991 the Commission issued "Order Granting Rehearing" which directed FGT to file within 15 days revised tariff sheets to provide that a customer may indicate the time period for which a request is effective, and to the extent that FGT has not tendered a service agreement by the end of the specified time period, the customer's request will be removed from the log and the customer will receive a refund of the prepayment.

In compliance with the Commission's directive, FGT is submitting the above-reference tariff sheets, which provide that a customer may submit, with any new request for firm service, a specified date upon which the request will be removed from the Firm Service Log. The tariff sheets further provide that to the extent a customer has recently revalidated its request for firm service pursuant to the Commission's May 31, 1991 Order, such customer may amend its request on or before September 16, 1991, to include a specified date for removal from the Firm Service Log.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 824 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before August 23, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-20070 Filed 8-21-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ91-6-25-000]

Mississippi River Transmission Corp.; Rate Change Filing

August 16, 1991.

Take notice that on August 14, 1991 Mississippi River Transmission Corporation (MRT) tendered for filing the Sixty-Fourth Sheet No. 4, Twenty-Third Revised Sheet No. 4.1, and Twenty-Third Revised Sheet no. 4.2 to its FERC Gas Tariff, Second Revised Volume No. 1, to be effective September 1, 1991.

On August 1, 1991 MRT filed its quarterly Purchased Gas Adjustment (PGA) to be effective September 1, 1991 (Docket No. TQ91-5-25-000). On August 7, 1991 the FERC issued a Letter Order which rejected MRT's September 1, 1991 quarterly PGA because it did not contain Schedule D1 on electronic medium. Consequently, the Commission closed the related Docket No. TQ91-5-25-000. The purpose of this filing is to resubmit MRT's quarterly PGA to be effective September 1, 1991 to correct the omission of Schedule D1 on electronic medium. MRT states that the instant filing is identical in all other respects to the previous quarterly PGA filing submitted in Docket No. TQ91-5-25-000.

MRT states that the instant filing reflects its quarterly purchased gas cost adjustment (PGA), submitted to Section 154.308 of the Commission's Regulations and paragraph 17.2 of MRT's FERC Gas Tariff. MRT states that the impact of the instant filing on its Rate Schedule CD-1 rates is a increase of $.001 per MMBtu in the demand charge, and an increase of 13.91 cents per MMBtu in the commodity charge. The single part rate under Rate Schedule SGS-1 reflects an increase of 13.92 cents per MMBtu.

MRT states that a copy of the revised tariff sheets is being mailed to each of MRT's jurisdictional sales customers and to the State Commissions of Arkansas, Missouri, and Illinois.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before August 23, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-20078 Filed 8-21-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA91-8-000]

North Penn Gas Co.; Petition for Staff Adjustment Under NGPA Section 502(c)

August 15, 1991.

Take notice that on August 8, 1991, North Penn Gas Company (North Penn) filed with the Federal Energy Regulatory

Commission a petition for adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 and part 385 (subpart K) of the Commission's regulations. By its petition, North Penn Gas requests that it be allowed to employ its current intrastate storage and transportation rates on file with the Pennsylvania Public Utility Commission (Pennsylvania Commission) for all storage and transportation services that North Penn will provide under § 284.224 of the Commission's regulations. Concurrently, North Penn filed an application for abandonment and for a blanket certificate pursuant to § 284.224 in Docket No. CP91-2649-000.

Any person desiring to be heard or protest this petition should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before September 5, 1991. All protests filed will be considered, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules. Copies of this petition are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-20067 Filed 8-21-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP88-26-003]

Northern Pump Co. (Danner No. A-1 Well); Settlement Proposal

August 16, 1991.

Take notice that on August 13, 1991, Hawley & Wright, Inc. (acting on behalf of the Estate Trust for Rosita H. Wright, successor to Northern Pump Company), Ensign Operating Co., Amoco Production Company and Randal Loder (acting for himself and on behalf of Larson Family Farms, jointly referred to herein as "Loder") submitted a settlement agreement dated July 30, 1991, in the above-referenced proceeding. The parties state that the settlement involves the payment of a specified sum by the Estate Trust to Loder and an allocation of free gas by Amoco to Loder in order to resolve potential refund liability under Commission orders issued herein on December 5, 1990, and March 20, 1991, with respect to deliveries of natural gas from the Danner No. A-1 Well to Loder. In exchange, Loder agrees to withdraw from pending court review proceedings involving the December 1990 and March 1991 orders.

Any person wishing to do so may file comments on the settlement. Such comments should be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, and should be filed no later than August 29, 1991.

Lois D. Cashell,

Secretary.

[FR Doc. 91-20073 Filed 8-21-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP91-2322-000; CP91-780-000]

Paiute Pipeline Co.; Northwest Pipeline Corp., (Not Consolidated); Technical Conference

August 15, 1991.

Take notice that on September 5, 1991, the Commission Staff will hold a technical conference to discuss the issues raised by the parties and Staff as a result of Paiute Pipeline Company's (Paiute) proposal in Docket No. CP91-2322-000. All parties should be prepared to discuss the issues related to: (1) The timing of Commission action on Paiute's application and the final certification of the current configuration of Northwest Pipeline Corporation's expansion in Docket No. CP91-780-000; (2) the proposed LNG truck loading and unloading facilities; (3) the alleged discrimination of Paiute's open season process; and (4) the proposed abandonment by sale of six pipeline laterals, including the issues of comparability of service, impact on Paiute's system-wide rates, and impact on customers receiving service off those laterals.

Docket No. CP91-2322 was filed on June 21, 1991, and a Notice of Application in that docket was issued by the Commission on July 3, 1991, and was published in the Federal Register on July 11, 1991, (56 FR 31626). The Notice of Application contains a description of Paiute's proposal and other procedural information.

The technical conference will be held at the Commission's offices in Washington, DC on September 5, 1991, and held over to September 6, 1991, if necessary. The conference will begin at 10:00 a.m. in one of the Commission's hearing rooms at 810 First Street NE., Washington, DC. A specific room designation will be posted on the day of the conference.

The Commission Staff will provide an agenda for the technical conference on the day of the conference. The agenda will include an initial presentation of about 30 minutes by Paiute to summarize their proposal. The Commission Staff will announce any further procedures, as necessary, at the conference.

For further procedural information please contact Raymond E. James of the Commission Staff at (202) 208-2193. Please telephone Mr. James by September 3, 1991, to confirm your attendance, the number of persons in your group that will attend, and any special audio-visual needs you may have.

Lois D. Cashell,

Secretary.

[FR. Doc. 91-20068 Filed 8-21-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. FA89-37-000]

Texas Eastern Transmission Corp.; Consent to Shortened Procedures

August 16, 1991.

On July 1, 1991, the Office of the Chief Accountant issued a report on the examination of the books and records of Texas Eastern Transmission Corporation (Texas Eastern) for the period January 1, 1986 through December 31, 1988. 56 FERC ¶ 62,012. As noted in that report, Texas Eastern disagrees with Correcting Entry No. 1 on Schedule No. 2, the Tariff Billing Exception on Schedule No. 3 and Compliance Exception Nos. 2 and 4 on Schedule No. 4. By letter filed July 31, 1991, Texas Eastern consented to disposition of this matter under the shortened procedures set forth in 18 CFR part 158.

Therefore, initial memoranda of facts and arguments shall be due on or before September 16, 1991. Replies shall be due on or before October 7, 1991.

Lois D. Cashell,

Secretary.

[FR Doc. 91-20063 Filed 8-21-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP88-115-000, RP90-104-000 and RP90-192-000.]

Texas Gas Transmission Corp.; Informal Settlement Conference

August 15, 1991

Take notice than an informal settlement conference will be convened in this proceeding on September 5, 1991, at 10 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC, for the purpose of exploring the possible settlement of the above-referenced dockets.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations, 18 CFR 385.214 (1991).

For additional information, contact Donald A. Heydt at (202) 208-0740 or Joanne Leveque at (202) 208-5705.

Lois D. Cashell,

Secretary.

[FR Doc. 91-20066 Filed 8-21-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM91-12-17-000

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

August 16, 1991.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on August 14, 1991 tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, six copies of the following tariff sheets:

Proposed to be Effective July 1, 1991

Revised Thirty-third Revised Sheet No. 50.2

Proposed to be Effective August 1, 1991

Revised Thirty-fifth Revised Sheet No. 50.2

Texas Eastern states that these sheets are being filed pursuant to section 4.F of Texas Eastern's Rate Schedules SS-2 and SS-3 to flow through changes in CNG Transmission Corporation's (CNG) Rate Schedule (GSS rates which underlie Texas Eastern's Rate Schedules SS-2 and SS-3.

Texas Eastern states that CNG filed tariff sheets on June 6, 1991 in Docket Nos. RP88-211-013, *et al.*, which revised Rate Schedule GSS rates effective July 1, 1991.

Texas Eastern states that copies of the filing have been mailed to Texas Eastern's jurisdictional customers and interest state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before August 23, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-20075 Filed 8-21-91; 8:45 am]

BILLING CODE 6717-01-M

Western Area Power Administration

Central Valley Project, Proposed 1994 Power Marketing Plan

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of proposed 1994 power marketing plan.

SUMMARY: The Western Area Power Administration (Western), a Federal power marketing agency of the Department of Energy (DOE), has developed a Proposed 1994 Power Marketing Plan (Proposed Plan) for the Central Valley Project (CVP), California. Under the Proposed Plan, Western will market 529.9 megawatts (MW), or about 35 percent, of the CVP's marketable power. The 529.9 MW will become available when 63 existing Western contracts for the sale of that power expire on June 30, 1994. This **Federal Register** notice requests public comment on the Proposed Plan.

BACKGROUND: Western formally initiated the development of the 1994 Power Marketing Plan for the CVP with a January 31, 1989, public information meeting. In a brochure distributed at that meeting, Western explained the need for a power marketing plan to market CVP power that would become available with the expiration of 63 Western power contracts on June 30, 1994. The next step in the public process was the publication of a **Federal Register** notice on August 11, 1989 (54 FR 33064), which contained the draft plan. The August notice informed the public that Western would conduct an environmental assessment (EA) of the draft plan in accordance with the National Environmental Policy Act, and announced the dates of public scoping meetings where Western would accept comments on the scope of the EA. In conjunction with these scoping meetings, Western announced that it would hold a public information meeting and a public comment forum to accept comments on the draft plan. A November 20, 1989, deadline was set for receipt of written comments on scoping of the environmental analysis and on the draft plan.

The public information meeting was held on September 12, 1989, with the public comment forum following on October 20, 1989. Western was pleased with the public response and the thoughtful comments submitted on the draft plan and the scope of the EA. Based on the public response, Western prepared the EA, analyzing four alternatives which have several options to the draft plan. Utilizing the results of the EA, Western developed the Proposed Plan which is the subject of this **Federal Register** notice.

As explained in the DATES section of this notice, Western will hold a public information forum on the Proposed Plan on August 27, 1991. A public comment forum on the Proposed Plan will follow on September 16, 1991. Western will accept written comments on the Proposed Plan through October 16, 1991, which should be sent to the address shown elsewhere in this notice. After thorough consideration of all public comments, Western will prepare and publish a Final 1994 Power Marketing Plan in the **Federal Register** on or about November 18, 1991. With that notice, Western will call for applications for allocations of power. The deadline for receipt of applications for allocations tentatively is set for January 17, 1992. Western then will consider the applications, determine which applications meet the requirements of the Final 1994 Power Marketing Plan, and exercise its discretion provided by law in allocating the power to eligible applicants. An announcement of the final allocations will be published in the **Federal Register** on or about February 28, 1992. These latter dates are subject to change. After the final allocations are announced, Western will enter into power contracts with the allottees.

DATES: On August 27, 1991, Western will hold a public information forum on the Proposed Plan. At the forum, Western representatives will present the Proposed Plan and respond to questions from the public. On September 16, 1991, Western will hold a public comment forum to receive oral and written comments on the Proposed Plan. Each forum will begin at 10 a.m. at the Holiday Inn-Holidome, 5321 Date

Avenue, Sacramento, California. Written comments on the Proposed Plan will be accepted from the date of publication of this Federal Register notice through October 16, 1991, and either may be delivered at the September 16 public comment forum or sent to the address set forth below.

ADDRESSES: Inquiries and written comments regarding the Proposed Plan should be directed to: David G. Coleman, Area Manager, Sacramento Area Office, U.S. Department of Energy, Western Area Power Administration, 1825 Bell Street, suite 105, Sacramento, CA 95825-1097, (916) 649-4418.

The Proposed 1994 Power Marketing Plan

This Proposed Plan addresses (1) how Western plans to market the 529.9 MW—what classes or types of power services will be offered and the amounts offered; (2) to whom Western will market the power—since there usually is more demand for Western power than there is power available, Western will exercise its discretion as provided by law in determining who will receive allocations of power; and (3) the terms and conditions under which Western will market the power. Definitions of technical terms are set forth in the August 11, 1989, Federal Register notice (54 FR 33064) and are repeated here for the reader's convenience.

I. Amounts of Power and Classes of Service

A. Western proposes to allocate a total of 379.2 MW of Long-Term Firm Power. Long-Term Firm Power means firm power allocated by Western and subject to the terms and conditions specified in the Western electric service contract. Customers presently receiving Long-Term Firm Power under contracts expiring in 1994 would be allocated 346.7 MW of Long-Term Firm Power. Customers presently receiving 24.3 MW of renewable resource and cogeneration power under contracts which expire in 1994 would have those allocations converted to Long-Term Firm Power allocations under the Proposed Plan. Renewable resource and cogeneration power is firm power allocated in the past by Western for the development or operation of a renewable resource or cogeneration project. New customers would be allocated a total of 8.2 MW, which is derived from 2.5 MW of Long-Term Firm Power presently under contracts expiring in 1994 but unused by existing customers and 5.7 MW of renewable resource and cogeneration power presently under contracts expiring in 1994 but unused by original allottees converted to Long-Term Firm Power.

B. Western proposes to allocate 40.7 MW of Type III Withdrawable Power to customers presently receiving that class of service under contracts expiring in 1994. Type III Withdrawable Power means firm power which is withdrawable to protect the 1,152 MW load level before withdrawal of other types of noninterruptible power and which is subject to additional terms and conditions specified in the Western electric service contract.

C. Western proposes to allocate 9 MW of Diversity Power to customers presently receiving that class of service under contracts expiring in 1994. The remaining 21 MW of Diversity Power which presently is not under contract will be allocated as Diversity Power to existing and new customers. Diversity Power means firm power made available because of the diversity of Western customer's peak demands at the time of Western's peak demand. A Diversity Power customer, at the request of Western, must shed a specified amount of load at the time of Western's simultaneous peak demands. This Diversity Power is subject to additional terms and conditions specified in a Western electric service contract.

D. Finally, Western proposes to allocate 80 MW of Curtailable Power to the city of Santa Clara, which currently has a contract for this power. Curtailable Power means power offered by Western to qualified preference entities which may be curtailed on a real-time scheduling basis, by Western and at Western's sole discretion, to protect the 1152 MW load level.

In summary, Western proposes to allocate 529.9 MW of power among the four classes of service set forth above. Other classes of service, such as peaking capacity, emergency and backup power, and spinning reserves, if offered, will be marketed on a short-term basis or pursuant to a separate marketing plan. Western will study any new resources that may become available to the Sacramento Area Office (SAO), and will determine the best method of marketing that power through a public involvement process with existing and potential customers.

II. Eligibility Criteria

Western proposes to apply the following general eligibility criteria to all applicants seeking an allocation of power under the Final 1994 Power Marketing Plan.

A. Only preference entities as defined by section 9(c) of the Reclamation Project Act of 1939, 43 U.S.C. 485h(c), as amended and supplemented, will be eligible to receive an allocation.

B. To be eligible to receive an allocation, the preference entity must exist, operate, and be ready, willing, and able to receive and use, or receive and distribute, Federal power as of the publication date of the Final 1994 Power Marketing Plan in the Federal Register or January 1, 1992, whichever date is earlier. The entity also must be located within the Pacific Gas and Electric Company (PG&E) service area. PG&E means the investor-owned utility having a service area in northern and central California and load control responsibility for the northern and central California area and with whom Western sells, exchanges, and transmits power under Contract No. 14-06-200-2948A (2948A). Contract 2948A means the contract between PG&E and Western, which provides for certain sales, exchanges, and transmission of electric power. Western will provide maps of PG&E's service area to any interested party upon request.

C. Applicants shall submit an application in response to a written notice to be issued by Western and published in the Federal Register in conjunction with the Final 1994 Power Marketing Plan. The submittal instructions, format, applicant information, and the deadline for the applications also will be published in the Federal Register.

III. General Allocation Criteria and Contract Principles

Western proposes to apply the following general allocation criteria and contract principles to all applicants seeking an allocation of power under the Final 1994 Power Marketing Plan.

A. Allocations of power will be made in amounts as determined solely by Western in the exercise of its discretion under Reclamation Law.

B. An allottee will have the right to purchase such power only upon the execution of an electric service contract between Western and the allottee, and satisfaction of all conditions in that contract.

C. The minimum allocation shall be 500 kilowatts (kW). Western may waive this requirement for preference entities which historically have had loads under 500 kW and are directly connected to Western's transmission system.

D. Energy provided with power allocated normally will be based upon either (a) the customer's monthly system load factor or (b) the customer's monthly average energy use over the most recent 5-year period pursuant to a scheduling agreement.

E. For existing Western customers, electric service contracts for Long-Term Firm Power, Type III Withdrawable Power, Curtailable Power, and Diversity Power entered into under the Final 1994 Power Marketing Plan must be executed no later than the expiration date of the existing electric service contract. Contract Rates of Delivery (CROD) shall be effective on the effective date of the electric service contract.

F. Any electric service contract offered to a new customer shall be executed by the customer within 6 months of a contract offer by Western, unless otherwise agreed in writing by Western. Contracts shall be effective on the later of the effective date of service under a new electric service contract or July 1, 1994.

G. The decision to reallocate any CVP power that becomes available for marketing because an allottee has failed to accept a contract within the period allowed or because a contract has terminated will be at the sole discretion of Western's Administrator.

H. Western will enter into scheduling agreements with its customers when advantageous to Western's customer base as a whole and when consistent with applicable law or when required in accordance with the normal utility practice of interconnected utilities. Western will determine whether to enter into a scheduling agreement based upon satisfactory resolution of issues related to interconnected operations, including use of transmission capacity, voltage support, power factor, reactive powerflow, system operations, and modifications of facilities.

I. Western normally will contract with each individual customer. However, Western may enter into consolidated or combined delivery contracts with a group of customers or with a representative of a group of customers when advantageous to Western's customer base as a whole and when consistent with applicable law.

J. An applicant's minimum load at each delivery point shall be no less than an annual peak of 500 kW.

K. Allocations will be made only to those applicants located in the PG&E service area.

L. Western proposes to give greater consideration in allocating power to irrigation or water districts which transmit CVP power or receive or purchase CVP water.

M. Western proposes to give greater consideration in allocating Type III Withdrawable Power or Diversity Power to those applicants who can demonstrate a diversity contribution at the time of Western's simultaneous peak; i.e., the applicant's peak demands are not coincident with Western's peak obligations.

N. Western proposes to give greater consideration in allocating power to those applicants who have instituted and continue to actively pursue demand-side management activities.

O. Western proposes to give greater consideration in allocating power to those applicants who assist Western in its mission of meeting its customer loads at the lowest possible cost consistent with sound business principles by providing such factors as, among others, transmission access to low-cost sources of power and aiding in providing efficient and reliable electrical service.

In addition to the general contract principles listed above, Western proposes that the following contract terms and conditions shall apply to Long-Term Firm Power, Diversity Power, Curtailable Power, and Type III Withdrawable Power.

1. Minimum Load Requirement

Western reserves the right to terminate a contract if a customer that receives Federal power over PG&E's transmission system does not have monthly demands of 500 kW or more for 3 consecutive months in the 12 months immediately preceding the date that Western requests PG&E to begin transmission service.

2. Withdrawable Provisions

Power marketed under the Final Plan will be subject to the Westlands withdrawable power provisions, withdrawal provisions for project use, load-level limitations, first preference, and the condition that allows a customer's CROD to be reduced due to the modification or termination of Contract 2948A.

3. Transmission Service

Western will assist the allottees in obtaining third-party transmission arrangements for delivery of power allocated under the Final 1994 Power Marketing Plan to customers in the PG&E service area. Nonetheless, each allottee is ultimately responsible for obtaining its own delivery arrangements.

4. Term

Western proposes that contracts entered into under the Final 1994 Power Marketing Plan shall provide for electric service through December 31, 2004. The 2004 date will correspond to the expiration dates for most of SAO's other electric service contracts and the expiration date of Contract 2948A between Western and PG&E.

5. Type III Withdrawable Power and Curtailable Power

Western proposes that in the event that Type III Withdrawable Power or Curtailable Power is reduced to zero, such power may thereafter be reinstated in accordance with the terms of the contract, and the contract shall continue to exist through its term unless terminated by either party. Energy provided with curtailable power will be provided in quantities, at rates, and under other terms and conditions mutually agreed upon between Western and the customer.

6. Standard Provisions

The contracts entered into as a result of the Proposed Plan will incorporate Western's standard provisions for power sales contracts, resale of electric energy, conservation and renewable energy, and the General Power Contract Provisions.

SUPPLEMENTARY INFORMATION: Western has published several brochures explaining the 1994 Power Marketing Plan. Transcripts of the September 12, 1989, public information forum and October 20, 1989, public comment forum were made, and written comments on the draft plan have been received from April 1988 through January 1991. All of these documents are available for public inspection at Western's SAO at 1825 Bell Street, suite 105, Sacramento, California, and at Western's Headquarters Office at 1627 Cole Boulevard, Golden, Colorado. Copies of these documents may be obtained by writing to the SAO at the address given elsewhere in this **Federal Register** notice.

Environmental Compliance

In compliance with the National Environmental Policy Act (NEPA), 42 U.S.C. 4321, *et seq.*, Council on Environmental Quality Regulations, 40 CFR part 1500, and DOE guidelines published in the **Federal Register** on December 15, 1987 (52 FR 47662), Western prepared an EA to analyze environmental impacts of the draft plan. The EA discussed possible environmental impacts due to implementing the draft plan, and analyzed the environmental impacts of four alternatives and their options. The four alternatives and their options were Western received during the environmental scoping process. Based on the EA analysis, the DOE issued a finding of no significant impact (FONSI) on April 24, 1991. Copies of the EA and FONSI are available to interested parties upon request to Western's SAO

at the address given elsewhere in this Federal Register notice.

Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 601, *et seq.*, each agency, when required to publish a proposed rule, is further required to prepare and make available for public comment an initial regulatory flexibility analysis to describe the impact of the proposed rule on small entities. Western has determined that (1) this rulemaking relates to service offered by Western and therefore is not a rule within the purview of the Act and (2) the impacts of an allocation from Western would not cause an adverse economic impact to such entities. The requirements of this Act can be waived if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. By his execution of this Federal Register notice, Western's Administrator certifies that no significant economic impact on a substantial number of small entities will occur.

Paperwork Reduction Act of 1980

The Paperwork Reduction Act of 1980, 44 U.S.C. 3501, *et seq.*, requires that certain information collection requirements be approved by the Office of Management and Budget (OMB) before information is demanded of the public. OMB has issued a final rule on the Paperwork Burdens on the Public (48 FR 13666) dated March 31, 1983.

Determination Under Executive Order 12291

The DOE has determined that the Proposed Plan and allocation criteria are not major rules because they do not meet the criteria of section 1(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981). Western has an exemption from sections 3, 4, and 7 of Executive Order 12291; accordingly, no clearance of this proposed plan by the OMB is required.

Issued at Golden, Colorado, August 14, 1991.

William H. Clagett,

Administrator.

[FR Doc. 91-20143 Filed 8-21-91; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3987-3]

Management Advisory Group to the Assistant Administrator for Water; Open Meeting

Under section (1)(a)(2) of Public Law 92-423, "The Federal Advisory Committee Act," notice is hereby given that a meeting of the Management Advisory Group (MAG) to the Assistant Administrator for Water will be held at 1 p.m. September 11, 1991, and at 9 a.m. on September 12 and 13, 1991 at the South Carolina Sea Grant Consortium, Washington Light Infantry Building, 287 Meeting Street, Charleston, South Carolina.

The purpose of this meeting will be to seek the MAG's advice and comments on issues pertaining to water quality and water resource protection. The agenda includes discussion of how to understand and implement ecological protection programs, and address the problems of nonpoint sources. The MAG will also discuss environmental education.

The meeting will be open to the public. The MAG encourages the hearing of outside statements and will allocate a portion of its meeting time for public participation. Oral statements will be limited to ten minutes. It is preferred that there be one presenter for each statement. Any outside parties interested in presenting an oral statement should petition the MAG by telephone at (202) 382-3881. The petition should include the topic of the proposed statement and the petitioner's telephone number and should be received by the MAG before September 10, 1991.

Any person who wishes to file a written statement can do so before or after a MAG meeting. Written statements received prior to the meeting will be distributed to the members before any final discussion or vote is completed. Statements received after a meeting will become part of the permanent meeting file and will be forwarded to the MAG members for their information.

Any member of the public wishing to attend the MAG meeting, present an oral statement, or submit a written statement, should contact Ms. Michelle Hiller, Designated Federal Official, U.S. Environmental Protection Agency, Office of the Assistant Administrator for Water, 401 M Street, SW., WH-556, Washington, DC 20460, or at (202) 382-3881.

Dated: August 16, 1991.

Robert Pavlik,

Director, Policy and Resources Management Offices.

[FR Doc. 91-20116 Filed 8-21-91; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3984-8]

Proposed Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as Amended by the Superfund Amendments and Reauthorization Act (Barge ACO-501)

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended by the Superfund Amendments and Reauthorization Act ("CERCLA"), notice is hereby given of a proposed settlement to resolve a claim under section 107 of CERCLA against Mr. Frank Aiple, doing business as Aiple Towing Company, of Stillwater, Minnesota. The proposed settlement concerns the federal government's response costs in response to the sinking of Barge ACO-501 containing approximately 1400 tons of sulfuric acid at mile 151.6 of the Upper Mississippi River, near Herculaneum, Missouri, in November 1988. The settlement requires the settling party to pay $27,300 to the Hazardous Substance Superfund.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency's response to any comments received will be available for public inspection at the U.S. EPA Region VII office at 726 Minnesota Avenue, Kansas City, Kansas 66101.

DATES: Comments must be submitted on or before September 23, 1991.

ADDRESSES: The proposed settlement is available for public inspection at the Regional Hearing Clerk's Office, at U.S. EPA Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101. A copy of the proposed settlement may be obtained from Venessa Cobbs, Regional Hearing Clerk, EPA Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, telephone number (913) 551-7630. Comments should reference the "November 1988 Sinking of Aiple Towing Co. Barge ACO-501," and EPA

Docket No. VII–91–F–0016, and should be addressed to Ms. Cobbs at the above address.

FOR FURTHER INFORMATION CONTACT: Jonathan Kahn, Assistant Regional Counsel, EPA Region VII, Office of Regional Counsel, 726 Minnesota Avenue, Kansas City, Kansas 66101, telephone number (913) 551–7252.

Dated: July 29, 1991.

Alan L. Wehmeyer,

Acting Director, Waste Management Division, EPA Region VII.

[FR Doc. 91–20117 Filed 8–21–91; 8:45 am]

BILLING CODE 6560–50–M

[FRL–3987–1]

Pennsylvania's General Permits Program Approval

AGENCY: Environmental Protection Agency.

ACTION: Notice of approval of the National Pollutant Discharge Elimination System General Permits Program of the Commonwealth of Pennsylvania.

SUMMARY: On June 26, 1991, a revised Memorandum of Agreement between the Environmental Protection Agency (EPA) and the Commonwealth of Pennsylvania was approved to include provisions for the Commonwealth's National Pollutant Discharge Elimination System (NPDES) General Permits Program. This action authorized the Commonwealth of Pennsylvania to issue general permits in lieu of individual NPDES permits. The approval was made under 40 CFR 123.62 which sets forth procedures for revision of a State's NPDES program.

FOR FURTHER INFORMATION CONTACT: Racine Leonard at (215) 597–7329.

SUPPLEMENTARY INFORMATION:

I. Background

EPA regulations at 40 CFR 122.28 provide for the issuance of general permits to regulate discharges of wastewater which result from substantially similar operations, are of the same type wastes, require similar monitoring, and are more appropriately controlled under a general permit rather than by individual permits.

Pennsylvania was authorized to administer the NPDES program in June, 1978. Their program, as previously approved, did not include provisions for the issuance of general permits. There are several categories which could appropriately be regulated by general permits. For this reason, Pennsylvania has requested a revision of their NPDES program to provide for issuance of general permits. The categories which have been proposed for coverage under the general permits program include: Non-contact cooling water, heat pump discharges, and small fish hatchery operation.

Each general permit will be subject to EPA review as provided by 40 CFR 123.44. Public notice and opportunity to request a hearing is also provided for each general permit.

II. Discussion

Pennsylvania's general permits submission consists of an Attorney General's statement, a copy of the State statutes providing authority to carry out the program, a copy of the revised Memorandum of Agreement (MOA), and a program description. Based upon this information and Pennsylvania's experience in administering an approved NPDES program, EPA has concluded that the State will have the necessary procedures and resources to administer the general permits program.

Under 40 CFR 123.62, NPDES program revisions are either substantial (requiring publication of proposed program approval in the **Federal Register** for public comment) or non-substantial (where approval may be granted by letter from EPA to the State). EPA has determined that assumption by Pennsylvania of general permit authority is a non-substantial revision of its NPDES program. EPA has generally viewed approval of such authority as non-substantial because it does not alter the substantive obligations of any discharger under the State program, but merely simplifies the procedures by which permits are issued to a number of point sources. Moreover, under the approved state program, the state retains authority to issue individual permits where appropriate, and any person may request the state to issue an individual permit to a discharger eligible for general permit coverage. While not required under § 123.62, EPA is publishing notice of this approval action to keep the public informed of the status of its general permit program approvals.

III. Federal Register Notice of Approval of State NPDES Programs or Modifications

EPA will provide **Federal Register** notice of any action by the Agency approving or modifying a State NPDES program. The following table will provide the public with an up-to-date list of the status of NPDES permitting authority throughout the country. Today's **Federal Register** notice is to announce the approval of Pennsylvania's authority to issue general permits.

State NPDES Program Status

	Approved state NPDES permit program	Approved to regulate federal facilities	Approved state pretreatment program	Approved state general permits program
Alabama	10/19/79	10/19/79	10/19/79	06/26/91
Arkansas	11/01/86	11/01/86	11/01/86	11/01/86
California	05/14/73	05/05/78	09/22/89	09/22/89
Colorado	03/27/75	.....	.....	03/04/83
Connecticut	09/26/73	01/09/89	06/03/81	.....
Delaware	04/01/74	.....	.....	.....
Georgia	06/28/74	12/08/80	03/12/81	01/28/91
Hawaii	11/28/74	06/01/79	08/12/83	.....
Illinois	10/23/77	09/20/79	.....	01/04/84
Indiana	01/01/75	12/09/78	.....	04/03/91
Iowa	08/10/78	08/10/78	06/03/81	.....
Kansas	06/28/74	08/28/85	.....	.....
Kentucky	09/30/83	09/30/83	09/30/83	09/30/83
Maryland	09/05/74	11/10/87	09/30/85	.....
Michigan	10/17/73	12/09/78	06/07/83	.....
Minnesota	06/30/74	12/09/78	07/16/79	12/15/87
Mississippi	05/01/74	01/28/83	05/13/82	.....
Missouri	10/30/74	06/26/79	06/03/81	12/12/85
Montana	06/10/74	06/23/81	.....	04/29/83

State NPDES Program Status—Continued

	Approved state NPDES permit program	Approved to regulate federal facilities	Approved state pretreatment program	Approved state general permits program
Nebraska	06/12/74	11/02/79	09/07/84	07/20/89
Nevada	09/19/75	08/31/78	.....	.....
New Jersey	04/13/82	04/13/82	04/13/82	04/13/82
New York	10/28/75	06/13/80	.....	.....
North Carolina	10/19/75	09/28/84	06/14/82	.....
North Dakota	06/13/75	01/22/90	.....	01/22/90
Ohio	03/11/74	01/28/83	07/27/83	.....
Oregon	09/26/73	03/02/79	03/12/81	02/23/82
Pennsylvania	06/30/78	06/30/78	.....	08/02/91
Rhode Island	09/17/84	09/17/84	09/17/84	09/17/84
South Carolina	06/10/75	09/26/80	04/09/82	.....
Tennessee	12/28/77	09/30/86	08/10/83	04/18/91
Utah	07/07/87	07/07/87	07/07/87	07/07/87
Vermont	03/11/74	.....	03/16/82	.....
Virgin Islands	06/30/76	.....	.....	.....
Virginia	03/31/75	02/09/82	04/14/89	05/20/91
Washington	11/14/73	.....	09/30/86	09/26/89
West Virginia	05/10/82	05/10/82	05/10/82	05/10/82
Wisconsin	02/04/74	11/26/79	12/24/80	12/19/86
Wyoming	01/30/75	05/18/81	.....	.....
Total	39	34	27	23

Number of Complete NPDES Programs (Federal Facilities, Pretreatment, General Permits) = 15

IV. Review under Executive Order 12291 and the Regulatory Flexibility Act

The Office of Management and Budget has exempted this rule from the requirements of Executive Order 12291 pursuant to section 8(b) of that Order. Under the Regulatory Flexibility Act, EPA is required to prepare a Regulatory Flexibility Analysis for all rules which may have a significant impact on a number of small entities.

Pursuant to section 605(d) of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), I certify that this State General Permits Program will not have a significant impact on a substantial number of small entities. Approval of the Pennsylvania NPDES State General Permits Program merely provides a simplified administrative process.

Dated: August 8, 1991.

Alvin R. Morris,

Acting Regional Administrator.

[FR Doc. 91–20118 Filed 8–21–91; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL MARITIME COMMISSION

Jacksonville Port Authority et al.; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice that the following agreement(s) has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10220. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 560.602 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: 224–200555.

Title: Jacksonville Port Authority/ Trailer Bridge Company, Inc. Terminal Agreement.

Parties: Jacksonville Port Authority ("JPA"), Trailer Bridge Company, Inc. ("TBC").

Filing Party: Carl L. Timmer, General Traffic Manager, Jacksonville Port Authority, 2831 Talleyrand Avenue, Jacksonville, Florida 32206.

Synopsis: The Agreement, filed August 9, 1991, provides that TBC will lease ten acres of terminal space from JPA for a period of five years. TBC will have a right of first refusal to lease an additional seven acres, more or less, of contiguous space south of the Leased Premises should such space become available. The Agreement also stipulates throughput and dockage fees to be paid by TBC.

Dated: August 16, 1991.

By Order of the Federal Maritime Commission.

Ronald D. Murphy,

Assistant Secretary.

[FR Doc. 91–20083 Filed 8–21–91; 8:45 am]

BILLING CODE 6730–01–M

Maryland Port Administration et al.; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–200408–001.

Title: Agreement and Lease Between the Maryland Port Administration and Mediterranean Shipping Company, S.A.

Parties: Maryland Port Administration, Mediterranean Shipping Company, S.A.

Synopsis: The Agreement, filed August 9, 1991, amends the parties' long-term lease arrangement by reducing the size of the terminal area included from fifteen acres to ten acres, and by providing that no additional storage charges will be made for container storage at the Seagirt Marine Terminal.

Agreement No.: 202–011241–010.

Title: USA-North Europe Rate Agreement.

Parties: Atlantic Container Line AG, P&O Containers Limited, Sea-Land Service, Inc., Compagnie Generale Maritime (CGM), Hapag Lloyd AG, Nedlloyd Lijnen BV, A.P. Moller-Maersk Line.

Synopsis: The proposed amendment would delete Bremen and Hamburg from the enumerated alternate port service group. It would also delete Bremen, Hamburg and Bremerhaven from the alternate port service overland transportation allowance provisions.

Agreement No.: 202–011242–011.

Title: North Europe-USA Rate Agreement.

Parties: Atlantic Container Line AB, P&O Containers Limited, Sea-Land Service, Inc., A.P. Moller-Maersk Line, Compagnie Generale Maritime (CGM), Hapag Lloyd AG, Nedlloyd Lijnen BV.

Synopsis: The proposed amendment would delete Bremen and Hamburg from the enumerated alternate port service group. It would also delete Bremen, Hamburg and Bremerhaven from the alternate port service overland transportation allowance provisions.

Agreement No.: 203–011261–002.

Title: ACL/Wallenius Space Charter and Cooperative Working Agreement.

Parties: Walleniusrederierna AB (Wallenius), Atlantic Container Line AB (ACL), Rederiaktiebolaget Transatlantic, Incotrans BV.

Synopsis: The proposed amendment would permit space chartered by Wallenius from ACL to be sub-chartered to third-party carriers subject to the filing and effectiveness of any agreements subject to the Shipping Act of 1984. It also provides that cargo carried in space chartered under this Agreement shall move under bills of lading of Wallenius (or its sub-charterer) and Wallenius (or its subcharterer) shall be responsible for the filing of any required tariffs.

Dated: August 16, 1991.

By Order of the Federal Maritime Commission.

Ronald D. Murphy,

Assistant Secretary.

[FR Doc. 91–20084 Filed 8–21–91; 8:45 am]

BILLING CODE 6730–01–M

GENERAL SERVICES ADMINISTRATION

GSA Bulletin FPMR H–61 Utilization and Disposal

TO: Heads of Federal Agencies.

SUBJECT: Leases and permits concerning Federal real property to be used by homeless assistance providers under the Stewart B. McKinney Homeless Assistance Act of 1987, as amended.

April 18, 1991.

1. *Purpose.* This bulletin is issued to notify agencies of the need to review their real property leasing and permitting instruments in several particulars which relate to the Stewart B. McKinney Homeless Assistance Act of 1987 (McKinney Act), as amended.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. *Background.*

a. In a General Accounting Office (GAO) report dated October 9, 1990, to certain congressional requesters and entitled "Homelessness: Action Needed to Make Federal Surplus Property Program More Effective" (GAO/RCED–91–33), the Comptroller General of the United States issued recommendations for amendments to the McKinney Act and for certain actions by the General Services Administration (GSA) and other Federal agencies.

b. GAO prominently included among its report items a recommendation that GSA inform the heads of other Federal landholding agencies of the need to provide in their leasing and permitting instruments assurances that certain interests of the Government are protected in the event that applications are received for use of any of their respective real property holdings for homeless assistance purposes under the McKinney Act.

4. *Recommended action.* Consistent with the recommendations in GAO's report, the head of each Federal landholding agency should undertake a review of such of the agency's leasing and permitting instruments as are or would be employed in granting interim use of real property to homeless care providers for any of the purposes authorized in title V of the McKinney Act, as amended. Agencies should ensure that such instruments include clauses that will operate to minimize the exposure of the Government to liability for personal injuries and other losses, as well as assessed costs of services provided to the affected property by units of State and local governments. Clauses adequate to provide the needed protections will include the specifications shown in paragraphs 5. and 6. below. The terms "license," "licensor," and "licensee" should be respectively substituted for "lease," "lessor," and "lessee" wherever the context so requires.

5. *Clauses concerning liability for personal injury and other losses.* Such clauses should, where appropriate, contain the following elements:

a. An acknowledgment by the lessee that the property is proffered and accepted on an "as is, where is" basis without warranty of any kind.

b. A requirement that, within 30 days following execution of the lease, and in any event before admission of any member of the public into or upon the property, the lessee shall provide to the lessor, at the lessee's own expense, a written report prepared by a certified architect, engineer, or building inspector evidencing a thorough inspection of the property and describing all defects and hazardous conditions thereby disclosed;

c. A requirement that, before admission of any member of the public into or upon the property, the lessee shall undertake, at the lessee's own expense, to make all repairs necessary to correct the defects and hazardous conditions disclosed by inspection of the property and shall document their completion to the lessor;

d. A provision that, if the lessee finds that the costs of the repairs or alterations necessary to render the property safe for exercise of the purposes of the lease are disproportionate to the lessee's resources, the lessee may terminate the lease; and

e. A requirement that the lessee shall periodically, at a frequency specified by the lessor, provide evidence to the lessor that all insurance required to be maintained by the lessee remains in effect.

6. *Clauses concerning liability for assessed costs.* Such clauses should contain a requirement that the lessee shall be solely liable for and shall pay all taxes, assessments, and similar charges of any character whatsoever

imposed or levied on the property by any unit of State or local government.

Earl E. Jones,

Commissioner, Federal Property Resources Service.

[FR Doc. 91-20101 Filed 8-21-91; 8:45 am]

BILLING CODE 6820-96-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Assistant Secretary for Personnel Administration; General Reorganization; Statement of Organization, Functions, and Delegation of Authority

Part A (Office of the Secretary) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (DHHS) is amended to reflect a realignment of functions in the Office of the Assistant Secretary for Personnel Administration. These changes eliminate the Office of Human Resource Programs in its entirety and replace it with the Center for Human Resource Strategic Planning and Policy. Also eliminated in its entirety is the Office of Special Initiatives and its functions redistributed to the Center for Human Resource Strategic Planning and Policy and to the Immediate Office of the Assistant Secretary. The functional statement for the Office of Personnel Services is rewritten, in part, to include minor changes in functions. These changes in the Office of the Assistant Secretary for Personnel Administration, streamline the Office and result in greater efficiency in carrying out assigned responsibilities.

I. Make the following changes to Chapter AH as last amended at 50 FR 20850 (May 20, 1985):

A. Chapter AH, Section AH.10 Organization. Delete in its entirety and replace with the following:

Section AH.10 Organization. The Assistant Secretary for Personnel Administration reports directly to the Secretary and supervises the following offices: Immediate Office of the Assistant Secretary, Office of Human Resource Information Management, Office of Personnel Services, Office of Human Relations, Center for Human Resource Strategic Planning and Policy.

The Assistant Secretary also provides administrative support for the Departmental Appeals Board, which is organizationally assigned to his office.

B. Chapter AH, Section AH.20 Functions, paragraph A. "The Immediate Office of the Assistant Secretary." Delete in its entirety and replace with the following:

A. Immediate Office of the Assistant Secretary. Provides executive direction, leadership, and guidance to all ASPER components. Oversees the development and implementation of Department-wide policies and programs covering recruitment, training and education, upward mobility, executive development, equal employment opportunity, position classification, employee relations, labor-management relations and employee compensation and benefits. The Assistant Secretary also serves as the Director for Equal Employment Opportunity for the Department.

II. Chapter AH as last amended at 53 FR 4721 (February 17, 1988) is revised as follows:

A. Chapter AH, Section AH.20 Functions, paragraph C3. "Organization and Employee Development Division." Revise the second sentence to read: Administers Department-wide training and development programs, including the Secretary's Executive Forum, the Women's Management Training Initiative, Department-level training for members of SES, and the SES candidate development program.

B. Chapter AH, Section AH.20 Functions, paragraph F. "The Office of Special Initiatives." Delete in its entirety.

C. Chapter AH, Section AH.20 Functions, paragraph F1. "Resource Management Staff." Delete in its entirety.

D. Chapter AH, Section AH.20 Functions, paragraph F2. "Center for Management Excellence." Delete in its entirety.

III. Change Chapter AH as amended at 54 FR 28114 (July 5, 1989) as follows:

A. Chapter AH, Section AH.20 Functions, paragraph D "Office of Human Resource Programs." Delete in its entirety and replace with the following:

D. Center for Human Resource Strategic Planning and Policy. Serves as the principal staff arm of the Assistant Secretary for Personnel Administration, providing corporate leadership, oversight, and coordination for the planning, analysis, and development of human resource policies and programs. Serves as the focal point for liaison between the Department and central management agencies on matters which relate to the responsibilities of the Assistant Secretary. Represents the Department on committees, networks, and councils sponsored by central management agencies which relate to the functions of this office. Provides technical assistance to Headquarters and Regional Personnel and EEO managers. Carries out functional management responsibilities over regional personnel and EEO managers. Formulates Department-wide policies pertaining to employment, compensation, position classification, position management, affirmative employment, performance management, employee benefits, and personnel records. Coordinates the development, approval, and issuance of all Departmental human resource policies. Maintains a system of information relating to all aspects of human resource management and administration in the Department. Provides leadership in developing and implementing new human resource programs throughout the Department. Designs prototype efforts ranging from informal pilots to formal personnel demonstration programs. Monitors and evaluates pilot and existing programs, and conducts a program of formal and informal assessment to ensure legal and regulatory compliance and operating efficiency. Provides leadership in identifying trends and applying innovations to the Department's human resource management programs. Provides a focal point for relating new human resource management information from public and private organizations to HHS. Conducts work force analyses and work force planning activities from a Department-wide perspective. Supports work force analyses and planning activities within HHS components. Examines work force productivity and utilization and forecasts future work force needs. Directs and coordinates efforts to recognize the increasing diversity of the Department's human resources and to promote equity within the work force. Works to ensure equal opportunity throughout the Department and develops and promotes programs designed to recognize and respond to diversity. Incorporates these efforts into the Department's overall strategy for developing a work force for the future. Leads and coordinates efforts to promote quality improvement and total quality management of human resources throughout the Department. Provides Department-wide leadership and direction for agency and inter-agency research efforts in human resource management. Administers Department-wide the Presidential Management Intern program and the Cooperative Education program. Conducts evaluations of selected human resource concepts, practices, and programs to determine their effectiveness, success, and usefulness to other HHS

components. Provides functional leadership for the professional development of the Department's human resource community. Develops communications designed to keep the Department's managers informed about work force issues.

B. Chapter AH, Section AH.20 Functions, paragraph D1. "Division of Compensation and Performance Management." Delete in its entirety.

C. Chapter AH, Section AH.20 Functions, paragraph D2. "Division of Employment and Program Coordination." Delete in its entirety.

D. Chapter AH, Section AH.20 Functions, paragraph D3. "Program Assessment Staff." Delete in its entirety.

Dated: August 14, 1991.

Louis W. Sullivan,

Secretary.

[FR Doc. 91-20122 Filed 8-21-91; 8:45 am]

BILLING CODE 4160-04-M

Agency for Toxic Substances and Disease Registry

[Announcement Number 119]

Association of Occupational and Environmental Clinics Managing and Preventing Disease Related to Hazardous Substances

Introduction

The Agency for Toxic Substances and Disease Registry (ATSDR) announces the availability of funds in fiscal year 1991 to continue the funding of a cooperative agreement with the Association of Occupational and Environmental Clinics (AOEC) to improve the development and preparation of primary care physicians, medical school residents, and other public health students and practitioners concerning medical surveillance, screening and methods of diagnosing, and treating and preventing injury or disease related to the exposure to hazardous substances.

The PHS is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority areas of Environmental Health, Surveillance and Data Systems and Occupational Safety and Health. (For ordering a copy of Healthy People 2000, see the Section Where To Obtain Additional Information.)

Authority

This program is authorized under Section 104(i)(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA).

Eligible Applicant

Assistance will be provided only to AOEC. No other applications will be solicited. By using its network of primary care health clinics and its relationship with academic medical centers, AOEC offers the unique ability to address hazardous substances health-care topics. Internally, these clinics emphasize teaching and research based on medical surveillance, screening, and biostatistics of occupational and environmental health trends. Externally these clinics provide public health education programs for community public health personnel, primary care practitioners, and allied health and medical students, including open learning experiences that increase the basic skill and knowledge levels of environmental health principles on hazardous substances.

In addition, the AOEC provides learning experiences open to all medical and allied health students so as to increase their basic skill and knowledge levels concerning principles of environmental health as related to hazardous substances. Member clinics encourage strong relationships with primary care disciplines throughout their program.

AOEC member clinics maintain strong disciplines within their program and encourage state officials to provide educational and administrative services to support the community medical clinic and to improve the community health.

Availability of Funds

Approximately $150,000 will be available in fiscal year 1991 to fund this project. It is expected that the award will begin on or about September 30, 1991, for a 12-month budget period within a 3-year project period. Continuation awards within the project period will be the basis of satisfactory progress and availability of funds. The funding estimate above may very and is subject to change.

Purpose

The overall goal of this cooperative agreement is to enhance the education and practice of health-care providers and medical and public health students in the area of surveillance, diagnosis, treatment and prevention of injury and illness associated with exposure to hazardous substances.

Specific objectives of the agreement are as follows:

1. Enhance training of health-care providers within an established clinical setting in health effects caused by hazardous substances.

2. Enhance knowledge and skills in health-care providers concerning exposure and disease registries so that they may better serve their local communities in providing this service and encouraging its utilization.

3. Assist the AOEC in providing leadership and direction to its membership in encouraging environmentally related primary care activities, and community outreach by health-care providers concerning issues associated with exposure to hazardous substances.

4. Expand the clinical curriculum and variety of field experiences for health-care providers at the community and state level.

5. Enhance the linkage of local health clinics with traditional problem solving institutions within local communities concerned about the health effects of exposures to hazardous substances.

6. Enlarge medical and scientific knowledge concerning the effects of hazardous substances of human health.

Program Requirements

In conducting activities to achieve the purpose of this program, the recipient shall be responsible for conducting activities under A. below and ATSDR will be responsible for conducting activities under B. below.

A. AOEC-Based Activities

1. Develop and implement continuing medical education (CME) activities regarding knowledge and skills necessary for diagnosing, treating and preventing disease and injury associated with exposure to hazardous substances, as needed by health-care providers and medical and residency students serving their local communities.

2. Develop and make available to all clinical staff, faculty, and students at academic centers, to health-care providers (including public health-care providers) and public health professionals in the community, hospital grand rounds programs focused on the activities described in 1. above. Training modules are to be developed and distributed throughout the clinics network.

3. Continue to build networks with state/county/city health agencies to provide information resources, assistance in referrals of patients exposed to hazardous substances, expert consultations and opportunities for collaboration on development and

implementation of environmental health education programs. This collaboration is to be done in conjunction with the National Association of County Health Officials (NACHO), the United States Conference of Local Health Officers (USCLHO) and other health professional organizations.

4. Develop and implement a course module on how to collect information on potential previous exposure to hazardous substances as an integral part of patient evaluation and care. Promote this educational module through medical schools, residency programs, hospital grand rounds programs and other health professional audiences.

5. Identify and obtain educational materials and informational resources to include in the AOEC lending library resources and services to AOEC membership and other health professional audiences.

6. Provide technical assistance to state/county/city health agencies and the medical community on diagnosing, treating, and preventing disease or injury associated with exposure to hazardous materials.

7. Continue to promote the clinics network among the occupational and environmental health programs. Encourage the expansion of the membership through exhibits and presentation at conferences, workshops and academic institutions (schools of medicine and public health).

8. Continue to promote collaborative research among the occupational and environmental health programs.

9. Sponsor conferences or workshops on specific environmental health topics. AOEC should conduct at least one such meeting a year and prepare proceedings of the meeting.

10. Develop and implement environmental health education activities for pbulic health and medical professions in the communities with National Priorities List (NPL) hazardous waste sites, conducted in cooperation with local/county/state medical organizations and societies.

11. Assist in outreach activities in communities with NPL hazardous waste sites and non-NPL dump/landfill sites and facilities, as requested.

12. Develop an evaluation program with ATSDR to determine the impact on the attitudes and behavior of health professionals who have participated in AOEC-sponsored CME activities in environmental health from 1988 to the present.

B. ATSDR Activities

1. Collaborate in the design, implementation and evaluation of environmental health short course curricula and associated instructional activities.

2. Assist in identifying essential skill, knowledge and behavioral components for inclusion in environmental short course curricular.

3. Collaborate in providing necessary design and instructional resources for development and delivery of environmental health short courses to include, but not be limited to, the following: Printed, visual and computer-assisted material; personnel resources for course presentation and development; and other resources.

4. Collaborate in identifying proven approaches to the development and delivery of a unified environmental health program for local health officials.

5. Assist in the identification of local and national medical associations and/or societies to assist in the development and dissemination of environmental information.

6. Participate in local county/city based workshops, conferences, and meetings to exchange current information, opinions and findings concerning the recognition, diagnosis, treatment, surveillance, and prevention of illness and injury associated with exposure to hazardous substances.

Evaluation Criteria

The application will be reviewed and evaluated according to the following criteria:

1. The applicant's understanding of the need for addressing the problem and the purpose of this cooperative agreement. (15%)

2. The ability to provide the staff, knowledge, financial and other resources required to perform the applicant's responsibilities in this project, and describe the approach to be used in carrying out those responsibilities. (20%)

3. The extent to which the applicant understands the objectives of the project; the steps to be taken in planning and implementing this project, and the respective responsibilities of the applicant, ATSDR and any other entities for carrying out those steps. (20%)

4. The proposed schedule for accomplishing each of the activities to be carried out in this project, and a method for evaluating the accomplishment. (20%)

5. The qualifications and appropriateness of proposed program staff, and time allocated for them to accomplish program activities; the support staff available for the performance of this project; and the facilities, space and equipment available for performance of this project. (10%)

6. The proposed plan for administering this project, and the name, qualifications, and time allocations of the individual whom the applicant proposes to make responsible for its administration. (15%)

The estimated cost of the project to the government must be reasonable. The detailed budget indicating (1) anticipated costs for personnel, travel, communications and postage, equipment, and supplies, and (2) the sources of funds to meet those needs will be reviewed to determine the appropriateness of costs.

Executive Order 12372 Review

The application is subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs. Executive Order 12372 sets up a system for state and local government review of proposed Federal assistance applications. The AOEC should contact the state Single Point of Contacts (SPOCs) as early as possible to alert them to the prospective application and to receive any necessary instructions on the state's process. For proposed projects serving more than one state, the applicant is advised to contact the SPOC of each affected state. A current list of SPOCs is included in the application kit. If SPOCs have any state process recommendations on the application submitted to CDC, they should forward them to Henry S. Cassell, III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Atlanta, Georgia 30305, no later than 30 days after the application deadline for new and competing awards. The granting agency does not guarantee to "accommodate or explain" state process recommendations it receives after that date.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number is 93.161, Health Programs for Toxic Substances and Disease Registry.

Application Submission and Deadline

The applicant must submit an original and two copies of application form PHS 5161-1 to Henry S. Cassell, III, Grants Management Officer, Procurement and Grants Office, Centers for Disease Control, 255 Paces Ferry Road, NE., room 300, Atlanta, Georgia 30305, on or before August 30, 1991. By formal agreement, the CDC Grants Office will

act on behalf of and for ATSDR on this matter.

Where To Obtain Additional Information

If you are interested in obtaining additional information regarding this project, please refer to Announcement Number 119 and contact the following CDC/ATSDR personnel:

Business Management Technical Assistance: Van Malone, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Mailstop E-14, Atlanta, Georgia 30305, or by calling (404) 842-6630 or FTS 236-6630.

Programmatic Technical Assistance: Donna Orti, MS, Agency for Toxic Substances and Disease Registry, Division of Health Education (404) 636-0734 or FTS 236-0734.

A copy of Healthy People 2000 (Full Report, Stock No. 017-001-00474-0) or Healthy People 2000 (Summary Report, Stock No. 017-001-00473-1) referenced in the Introduction may be obtained through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325 (Telephone (202) 783-3238).

Dated: August 16, 1991.

Walter R. Dowdle,

Acting Administrator, Agency for Toxic Substances and Disease Registry.

[FR Doc. 91-20092 Filed 8-21-91; 8:45 am]

BILLING CODE 4160-70-M

[Announcement Number 137]

Association of State and Territorial Health Officials Educating State and Territorial Health Officials in Health Effects of Hazardous Substances in the Environment

Introduction

The Agency for Toxic Substances and Disease Registry (ATSDR) announces the availability of funds in fiscal year 1991 for a cooperative agreement with the Association of State and Territorial Health Officials (ASTHO) to meet the demand for environmental expertise in state health agencies and strengthen state activities in environmental health by developing programs in health risk assessment. It is anticipated that ASTHO will carry out these activities through its affiliate, the Association of State and Territorial Health Risk Assessors (ASTHRA).

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. This announcement is related to the priority areas of Environmental Health and Surveillance and Data Systems. (For ordering a copy of Healthy People 2000, see Section Where To Obtain Additional Information.)

Authority

This program is authorized under section 104(i) (14) and (15) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) (42 U.S. 9604(i) (14) and (15)).

Eligible Applicant

Assistance will be provided only to the Association of State and Territorial Health Officials. No other organization has the established relationship with state health departments and the existing staff capability and expertise which is necessary to carry out the project. No other applications will be solicited.

ASTHO represents the chief public health official of each state and territory. Through its own membership, the ASTHO Environment Committee, the Association of State and Territorial Health Risk Assessors (ASTHRA), other affiliated organizations, and the Public Health Foundation, ASTHO has developed unique knowledge and understanding of the needs and operations of state health agencies. Association members have already developed an enormous wealth of experience in risk communication and have identified risk communication programs as a priority need for state health agencies.

ASTHRA is a new organization functioning under the umbrella of ASTHO and is composed of state health professionals involved in health risk assessment. ASTHRA promotes information exchange between state-level scientists and other professionals who are responsible for environmental health risk assessments. States have varying capacity to meet the demand for either developmental or sophisticated risk assessment. Improved information exchange, technology transfer, and increased training opportunities will enhance the capacity of state health agencies to respond to the demand for environmental services, information, and risk assessment. Therefore, a structure to improve the Federal partnership between ASTHO, ASTHRA, and ATSDR is essential.

ASTHO has advised ATSDR that the ASTHRA membership is the target audience to reach in supporting the continued development of ASTHO's health risk assessment component. ASTHO had a cooperative agreement in 1990 to conduct two risk communication workshops. It is anticipated that ASTHRA will continue these activities.

Availability of Funds

Approximately $75,000 will be available in fiscal year 1991 to fund this cooperative agreement. It is expected that the award will begin on September 30, 1991, for a 12-month budget period within a 3-year project period. Continuation awards within the project period will be made on the basis of satisfactory performance and availability of funds.

Purpose

The proposed cooperative agreement is intended to address the need to improve information exchange and transfer between state and federal agencies, and among state agencies, and to increase training opportunities to help states improve the capacity to conduct risk assessment. ASTHRA, through ASTHO, will establish a central office to coordinate resources.

Program Requirements

To achieve the purpose of this program, ASTHO shall be responsible for conducting activities under A. below and ATSDR will be responsible for conducting activities under B. below.

A. ASTHO Activities

1. Develop an advisory panel of consultants to share expertise on environmental issues of concern with states and Federal agencies.

2. Expand capacity building by developing four workshops on risk communication to be held in conjunction with other meetings which state health officials would attend.

3. Maintain the established monthly Health and Environment Electronic Seminars, the educational teleconferences for state and Federal health officials.

4. Develop a national directory of state risk assessors and environmental scientists.

5. Develop a consultation service to respond to general inquiries/requests from state health departments and provide technical assistance to the state health departments regarding issues of environmental concern.

6. Develop a course for investigating disease cluster reports that will help state health department investigators evaluate the occurrence or presence of disease clusters.

7. Develop a newsletter column and materials to contribute to the ATSDR newsletter.

B. ATSDR Activities

1. Assist in the evaluation of the effectiveness of risk communication training.
2. Collaborate in conducting, and assist in evaluation of, teleconfernce briefings.
3. Collaborate in the development, printing, and distribution of the national directory of state risk assessors and environmental scientists.
4. Collaborate in the development of the newsletter column and materials.
5. Collaborate in the planning, implementation, and evaluation of the training programs.

Evaluation Criteria

The application will be reviewed and evaluated according to the following criteria:

1. The applicant's understanding of the purpose of this cooperative agreement. (15%)
2. The ability to provide the staff, knowledge, financial and other resources required to perform the applicant's responsibilities in the project, and the approach to be used in carrying out those responsibilities. (20%)
3. The extent to which the applicant understands the objectives of the project; the steps to be taken in planning and implementing this project, and the respective responsibilities of the applicant and ATSDR for carrying out those steps. (20%)
4. The proposed schedule for accomplishing each of the activities to be carried out in this project, and a method for evaluating the accomplishments that is clearly defined. (20%)
5. The qualifications and appropriateness of proposed program staff, and time allocated for the program staff to accomplish program activities; the adequacy of the support staff available for the performance of this project; and the identification of facilities, space, and equipment available for performance of this project. (10%)
6. The proposed plan for administering this project, and the name, qualifications, and time allocations of the individual whom the applicant proposes to make responsible for its administration. (15%)

In addition, the application will be reviewed to determine if the estimated cost of the project is reasonable. The application should include a detailed budget which indicates (1) anticipated costs for personnel, travel, communications and postage, equipment, and supplies and (2) the sources of funds to meet those needs.

Executive Order 12372 Review

The application is not subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs (45 CFR 100).

Catalog of Federal Domestic Assistance Number

The catalog of Federal Domestic Assistance Number is 93.161, Health Programs for Toxic Substances and Disease Registry.

Application Submission and Deadline Dates

The original and two copies of the application PHS Form 5161–1 shall be submitted to Henry S. Cassell, III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Atlanta, Georgia, 30305, on or before August 23, 1991. By formal agreement, the CDC Procurement and Grants Office will act for and on behalf of ATSDR on this matter.

Where To Obtain Additional Information

If you are interested in obtaining additional information regarding this project, please reference announcement number 137 and contact the following:

Business Management Technical Assistance: Van Malone, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 225 East Paces Ferry Road, NE., Mail Stop E–14, Atlanta, Georgia 30305, or by calling (404) 842–6797 or FTS 236–6797.

Programmatic Technical Assistance: Donna Orti or Patricia Poindexter, Agency for Toxic Substances and Disease Registry, 1600 Clifton Road, NE., Mail Stop E–33, Atlanta, Georgia 30333, (404) 639–0734 or FTS 236–0734.

A copy of Healthy People 2000 (Full Report, Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report, Stock No. 017–001–00473–1) referenced in the Introduction may be obtained through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, (Telephone (202) 783–3238).

Dated: August 16, 1991.

Walter R. Dowdle,

Acting Administrator, Agency for Toxic Substances and Disease Registry.

[FR Doc. 91–20091 Filed 8–21–91; 8:45 am]

BILLING CODE 4160–70–M

[Announcement Number 135]

Environmental Health Activities for Educating Physicians and Health Professionals Concerned With Human Exposure to Environmentally Hazardous Substances; Availability of Funds for Fiscal Year 1991

Introduction

The Agency for Toxic Substances and Disease Registry (ATSDR) announces availability of funds in fiscal year 1991 for cooperative agreements with State departments of health and/or State departments of environment to build State capacity to educate health professionals on health issues related to non-workplace exposures to hazardous substances in the environment.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Environmental Health. (For ordering a copy of Healthy People 2000, see the section **Where To Obtain Additional Information.**)

Authority

This program is authorized under sections 104(i)(14) and (15) (42 U.S.C. 9604(i)(14) and (15) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA).

Eligible Applicants

Eligibile applicants include the following:

1. The following departments of health and/or departments of environment of States, the District of Columbia, American Samoa, the Commonwealth of Puerto Rico, the Virgin Islands, the Federated States of Micronesia, Guam, the Northern Mariana Islands, the Republic of the Marshall Islands, and the Republic of Palau, and federally recognized Indian tribes.
2. The official State departments of health and/or State departments of environment currently supporting education activities for health professionals concerned with human exposure to hazardous substances in the environment.
3. Competition will be limited to only those entities specified above due to the legislative requirements of CERCLA.

Availability of Funds

Approximately $300,000 will be available in fiscal year 1991 to fund one to nine awards. The awards will range from approximately $25,000 to $35,000, with the average award being approximately $30,000. The awards will begin on or about September 30, 1991, and will be made for 12-month budget periods within a project period of 1 to 2 years. Continuation awards within the project period are made on the basis of satisfactory progress and availability of funds.

Purpose

The purpose of the program is to assist State departments of health and/or State departments of environment to identify, develop, disseminate, and evaluate appropriate educational materials (including short courses) on the medical surveillance, screening, and methods of diagnosis and treatment of injury or disease related to exposure to hazardous substances found at or near Superfund sites. Emphasis is to be placed on those substances prioritized by ATSDR and the Environmental Protection Agency. (These ranked lists appear in the following **Federal Register** issues: 52 FR 12866, April 17, 1987; 53 FR 41280, October 20, 1988; 54 FR 43615, October 26, 1989; 55 FR 42067, October 17, 1990.)

This is a program to build state capacity. The applicant should demonstrate significant contribution to and primary responsibility for the design, implementation, and evaluation of the projects. Emphasis should be placed on both public and private health professionals who are concerned about disease prevention, diagnosis, and treatment of populations potentially exposed to hazardous substances related to Superfund sites.

Sample goals for projects funded by this award could be:

- To conduct site-specific training activities to educate health professionals about health concerns related to Superfund hazardous substances.
- To develop and distribute resource guides and other materials with relevant and up-to-date information about hazardous substances found at Superfund sites.
- To develop regular mechanisms of interaction among public and private health organizations and professionals concerned with the potential exposure and health effects of Superfund hazardous substances.
- To build State capacity to serve as a resource in responding to health professionals' requests and concerns related to exposure to hazardous substances.

Program Requirements

Projects funded under this award are required to be: (1) Supported by needs assessment, (2) Superfund site-specific, (3) targeted to health professionals, and (4) realistic and capable of being evaluated. The cooperative agreement recipient shall be responsible for conducting activities under A. below and ATSDR will be responsible for conducting activities under B. below:

A. Recipient Activities

1. Develop, implement, and evaluate educational materials or methods to improve the skills and knowledge of health care providers concerning potential exposure to hazardous substances at or near Superfund sites.
2. Develop and distribute resource guides that contain relevant and up-to-date information including environmental health references and local, State and Federal resources and contacts.
3. Promote the development of educational activities and instructional methods such as hospital grand rounds, conferences/workshops (some could be held in conjunction with existing local or national professional meetings).
4. Develop materials and/or methods to be utilized by health care providers in communicating and counseling their patients about health risks concerning potential exposure to hazardous substances found at or near Superfund sites.
5. Promote the development of methods or materials to improve the knowledge and skills of health care providers in determining potential hazardous substance exposures as an integral part of their patient workup.
6. Promote the use of effective resources to furnish health care providers with information about hazardous substances at or near Superfund sites.
7. Demonstrate program effectiveness by outlining an evaluation plan that includes process and impact measures.
8. A State that has an ATSDR cooperative agreement for health assessments may opt to devote 25% of their efforts under this cooperative agreement toward a demonstration project in community health education related to potential exposure to hazardous substances at Superfund sites.
9. When site-specific activities are conducted, maintain an accounting system that keeps an accurate, complete, and current accounting of all financial transactions (personnel time and expenditures) on a site-specific basis. All supporting documentation will be retained, for possible use in cost recovery litigation with potentially responsible parties, for a minimum of 10 years after submission final Financial Status Report.

B. ATSDR Activities

1. Collaborate with the recipient in applying the effective components of the program to other appropriate settings.
2. Collaborate with the recipient in developing the resource guide.
3. Collaborate with the recipient to determine effective methods to enhance skill and knowledge required for appropriate medical surveillance, screening, treatment, and prevention of injury or disease related to exposure to hazardous substances at Superfund sites.
4. Collaborate with the recipient in identifying successful health communications methods for health care practitioners concerned about their patients who are potentially exposed to hazardous substances found at Superfund sites.
5. Collaborate with the recipient in evaluating the effectiveness of educational materials and activities.
6. Participate in State-based hospital grand rounds, workshops, conferences, and seminars to exchange current information, opinions, and findings concerning the diagnosis, treatment, and prevention of illness or injury associated with exposure to hazardous substances.
7. Collaborate with the recipient in developing and reviewing all materials and ensuring scientific consistency.

Evaluation Criteria

Applications will be reviewed and evaluated by an ATSDR-convened ad hoc committee based on the following criteria.

I. Proposed Project and Appropriateness of Project Design—60%

The adequacy of the proposal relative to the:

a. Project purpose and rationale;

b. Applicant's understanding of the need or problem to be addressed;

c. Identification of a target group and its needs;

d. Quality of project objectives in terms of specificity, measureability, and feasibility;

e. Specificity and feasibility of the applicant timetable for implementing project activities; and

f. Appropriateness and thoroughness of the methods used to evaluate the project.

II. Applicant Capability and Coordination Effort—40%

The adequacy of the proposal relative to the:

a. Ability of the applicant to provide staff, knowledge, financial and other resources required to perform the applicant's responsibilities in the project;

b. Thoroughness and appropriateness of the approach to be used in carrying out the responsibilities of the project;

c. Suitability of facilities and equipment available for the project; and

d. Evidence provided by the applicant that contact has been made with other entities/programs (Federal, national, state, local) which have developed similar training programs to assure that the proposed project will not be redundant of other programs that may be available.

III. Project Budget (Not scored)

The extent to which the budget is reasonable, clearly justified and consistent with intended use of funds.

Executive Order 12372 Review

Applications are subject to the Intergovernmental review of Federal Programs as Governed by Executive Order 12372. Executive Order 12372 sets up a system for State and local government review of proposed Federal assistance applications. Applicants (other than federally recognized Indian tribal governments) should contact their state Single Point of Contacts (SPOCs) as early as possible to alert them to the prospective applications and to receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current list of SPOCs is included in the application kit. If SPOCs have any State process recommendations on applications submitted to CDC, they should forward them to Van Malone, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Atlanta, Georgia 30305, no later than September 30, 1991 (which is 30 days after the application deadline for new and competing awards). The granting agency does not guarantee to "accommodate or explain" State process recommendations it receives after that date.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance number assigned to this program is 93.161.

Application Submission and Deadline

The original and two copies of the application PHS Form 5161–1 (Rev. 3/89) must be submitted to Henry S. Cassell III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Mailstop E–14, Atlanta, Georgia 30305, on or before August 30, 1991. By formal agreement, the CDC Grants Management Branch will act on behalf of ATSDR on this matter.

1. Deadline

Applications shall be considered as meeting the deadline if they are either:

a. Received on or before the deadline date, or

b. Sent on or before the deadline date and received in time for submission to the independent review group. Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing

2. Late Applications

Applications that do not meet the criteria in 1.a. or 1.b. above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where to Obtain Additional Information

A complete program description, information on application procedures, an application package, and business management technical assistance may be obtained from Van Malone, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Mailstop E–14, Atlanta, Georgia 30305, or by calling (404) 842–6630 or FTS 236–6630. Programmatic technical assistance may be obtained from Donna Orti, M.S., Division of Health Education, Agency for Toxic Substances and Disease Registry, Mailstop E–33, 1600 Clifton Road, NE., Atlanta, Georgia 30333, (404) 639–0734 or FTS 236–0734.

Announcement Number 135 "Environmental Health Education Activities for Educating Physicians and Health Professionals Concerned With Human Exposure to Environmentally Hazardous Substances" must be referenced in all requests for information pertaining to this program and on the application.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report, Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone (202) 783–3238).

Dated: August 16, 1991.

Walter R. Dowdle,

Acting Administrator, Agency for Toxic Substances and Disease Registry.

[FR Doc. 91–20090 Filed 8–21–91; 8:45 am]

BILLING CODE 4160–70–M

National Institutes of Health

Meeting of the National Advisory Research Resources Council

Purusant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Research Resources Council (NARRC), National Center for Research Resources (NCRR), at the National Institutes of Health.

This meeting will be open to the public, as indicated below, during which time there will be discussions on administrative matters such as previous meeting minutes; the report of the Director, NCRR; and review of budget and legislative updates. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S. Code and section 10(d) of Public Law 92–463, the meeting will be closed to the public as listed below for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Date of Meeting: September 18–20, 1991.

Place of Meeting: National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892.

Open: September 18, 6:45 p.m. until recess, Planning and Agenda Subcommittee, Building 12A, room 4007. September 19, 9:00 a.m. until recess, Conference Room 10, Building 31C. September 20, 8:30 a.m. until 10:30 a.m.

Closed: September 20, 10:30 a.m. until adjournment Conference Room 10, Building 31C.

Mr. James J. Doherty, Information Office, NCRR, Westwood Building, room 10A15, National Institutes of Health,

Bethesda, Maryland 20892, (301) 496–5545, will provide a summary of meeting and a roster of the Council members upon request. Dr. Judith L. Vaitukaitis, Deputy Director for Extramural Research Resources, NCRR, Building 12A, room 4011, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–6023, will furnish substantive program information upon request, and will receive any comments pertaining to this announcement.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, Laboratory Animal Sciences and Primate Research; 93.333, Clinical research; 93.337, Biomedical Research Support; 93.371, Biomedical Research Technology; 93.389 Research Centers in Minority Institutions; 93.198, Biological Models and Material Resources; 93.167 Research Facilities Improvement Program; National Institutes of Health)

Dated: July 31, 1991.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 91–20153 Filed 8–21–91; 8:45 am]

BILLING CODE 4140–01–M

Meeting of the Vision Research Program Planning Subcommittee and the National Advisory Eye Council (NAEC)

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Vision Research Program Planning Subcommittee on September 11, 1991, Building 31, in the NEI Conference Room 6A35 from 3 p.m. to 5 p.m. This meeting will be open to the public.

The NAEC will meet on September 12 and 13, 1991, in the Shannon Building (Building One), Third Floor, Wilson Hall, National Institutes of Health, Bethesda, Maryland.

The NAEC meeting will be open to the public from 8:30 a.m. until approximately 3 p.m. on Thursday, September 12, 1991. Following opening remarks by the Director, NEI, there will be presentations by the staff of the Institute and discussions concerning Institute programs and policies. Attendance by the public at the open sessions will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, the meeting of the NAEC will be closed to the public from approximately 3 p.m. on Thursday, September 12, until adjournment on Friday, September 13 for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Lois DeNinno, Committee Management Officer, National Eye Institute, Building 31, room 6A04, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–9110, will provide a summary of the meeting, roster of committee members, and substantive program information upon request.

(Catalog of Federal Domestic Assistance Programs, Nos. 93.867, Retinal and Choroidal Diseases Research; 93.868, Anterior Segment Diseases Research; and 93.871, Strabismus, Amblyopia and Visual Processing; National Institutes of Health)

Dated: July 31, 1991.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 91–20154 Filed 8–21–91; 8:45 am]

BILLING CODE 4140–01–M

Meetings of the National Heart, Lung, and Blood Advisory Council and its Research Subcommittee and Training Subcommittee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, Blood Institute, October 17–18, 1991, National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, Maryland 20892. In addition, the Research Subcommittee and the Training Subcommittee of the above Council will meet together on October 16; in Building 31, Conference Room 9.

The Council meeting will be open to the public on October 17 from 9 a.m. to approximately 3:30 p.m. for discussion of program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C., section 10(d) of Public Law 92–463, the Council meeting will be closed to the public on October 17 from approximately 3:30 p.m. to 5 p.m. and on October 18 from 8:30 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. The meeting of the Research Subcommittee and Training Subcommittee of the above Council on October 16 will be closed from 1 p.m. to adjournment for the review, discussion, and evaluation of individual grant applications.

These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Bellicha, Chief Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, room 4A21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–4236, will provide a summary of the meeting and a roster of the Council members.

Dr. Ronald G. Geller, Executive Secretary, National Heart, Lung, and Blood Advisory Council, Westwood Building, room 7A–15, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–7416, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: July 31, 1991.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 91–20155 Filed 8–21–91; 8:45 am]

BILLING CODE 4140–01–M

Meeting of the National Heart, Lung, and Blood Advisory Council

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Institute, September 12–13, 1991, National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, Maryland 20892.

The Council meeting will be open to the public on September 12 from 9 a.m. to 5 p.m. and on September 13 from 8:30 a.m. to approximately 9:30 a.m. for discussion of program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552(c)(6), title 5, U.S.C., section 10(d) of Public Law 92–463, the Council meeting will be closed to the public on September 13 from approximately 9:30 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential

trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, room 4A21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–4236, will provide a summary of the meeting and a roster of the Council members.

Dr. Ronald G. Geller, Executive Secretary, National Heart, Lung, and Blood Advisory Council, Westwood Building, room, 7A–17, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–7416, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: July 31, 1991.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 91–20156 Filed 8–21–91; 8:45 am]

BILLING CODE 4140–01–M

Meeting of the National Advisory Council on Aging

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Council on Aging, National Institute on Aging, September 26–27, 1991, to be held at the National Institutes of Health, Building 31, Conference Room 10, Bethesda, Maryland. This meeting will be open to the public from 8:30 a.m. until 2 p.m. for a status report by the Director, National Institute on Aging; a report on the Biology of Aging Program; and a report on the Working Group on Program.

It will again be open to the public Friday, September 27, Conference Room 10, from 8:30 a.m. to adjournment for reports on Behavioral and Social Research Program; and a discussion on NIA's Future Directions: Plans for the Next Decade. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, the meeting of the Council will be closed to the public on September 26 from 2 to recess for the review, discussion and evaluation of grant applications.

The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June McCann, Council Secretary for the National Institute on Aging, National Institutes of Health, Building 31, Room 5C02, Bethesda, Maryland 20892 (301/496–9322), will provide a summary of the meeting and a roster of committee members upon request.

(Catalog of Federal Domestic Assistance Program No. 93.866, Aging Research, National Institutes of Health)

Dated: July 31, 1991.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 91–20150 Filed 8–21–91; 8:45 am]

BILLING CODE 4140–01–M

Meeting of the National Cancer Institute Frederick Cancer Research and Development Center Advisory Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Cancer Institute, Frederick Cancer Research and Development Center Advisory Committee, October 25, 1991, Building 549, Executive Board Room, at the NCI Frederick Cancer Research and Development Center, Frederick, Maryland 21702–1201.

The meeting will open to the public on October 25 from 8:30 a.m. to approximately 10 a.m. to discuss administrative matters such as future meetings, budget, etc., and include concept review of Contractor proposed research under the newly established laboratory for drug design and for continuation of subcontracted research in primates, both under Program Resources, Inc. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, the meeting will be closed to the public on October 25 from 10 a.m. to adjournment for discussion of the previous site visit of the AIDS Vaccine Program under contract with Program Resources, Inc. and site visit review, discussion, and evaluation of research being conducted by the Laboratory of Chromosome Biology, Basic Research Program under contract with Advanced BioScience Laboratories, Inc.

These discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contractor, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Carole Frank, Committee Management Specialist, National Cancer Institute, Building 31, room 10A06, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892 will provide a summary of the meeting and roster of committee members upon request.

Dr. Cedric W. Long, Executive Secretary, Frederick Cancer Research and Development Center Advisory Committee, National Cancer Institute, Frederick Cancer Research and Development Center, P.O. Box B, Frederick, Maryland 21702–1201, (301) 846–1108, will furnish substantive program information upon request.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower, 93.399, Cancer Control)

Dated: July 31, 1991.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 91–20147 Filed 8–21–91; 8:45 am]

BILLING CODE 4140–01–M

Meeting of the National Advisory Child Health and Human Development Council

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Child Health and Human Development Council, on September 23–24, 1991, in Building 31, Conference Room 10, National Institutes of Health, Bethesda, Maryland, and the meeting of the Subcommittee on Planning on September 23 from 8 a.m. to 9:30 a.m. in Building 31, room 2A03.

The Council meeting will be open to the public on September 23 from 9:30 a.m. until 5 p.m. The agenda includes a report by the Director, NICHD, and a report by the Scientific Director, NICHD. The meeting will be open on September 24 immediately following the review of applications if any policy issues are raised which need further discussion. The Subcommittee will be open on September 23 from 8 a.m. to 9:30 a.m. to discuss programs plans and the agenda

for the next Council meeting. Attendance by the public will be limited to space available.

In accordance with the provision set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, the meeting will be closed to the public on September 24 from 8 a.m. to completion of the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Mary Plummer, Council Secretary, NICHD, Executive Plaza North, room 520, National Institutes of Health, Bethesda, Maryland 20892, Area Code (301) 496–1485, will provide a summary of the meeting and a roster of Council members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.864, Population Research, and 13.865, Research for Mothers and Children, National Institutes of Health)

Dated: July 31, 1991.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 91–20148 Filed 8–21–91; 8:45 am]

BILLING CODE 4140–01–M

Meetings of the National Deafness and Other Communication Disorders Advisory Council and its Research Subcommittee

Pursuant to Public Law 92–463, notice is hereby given of the meetings of the National Deafness and Other Communication Disorders Advisory Council and its Research Subcommittee on September 30–October 2, 1991, at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland. The meeting of the full Council will be held in Conference Room 6, Building 31C, and that of the subcommittee in Conference Room 4, Building 31A.

The meeting of the full Council will be open to the public on October 1 from 8:30 a.m. until recess at approximately 4 p.m. for a report from the Institute Director and discussion of extramural policies and procedures at the National Institutes of Health and the National Institute on Deafness and Other Communication Disorders.

In accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, the entire meeting of the Research Subcommittee on September 30 will be closed to the public. The meeting of the full Council will be closed to the public on October 2 from 9 a.m. until adjournment. The closed portions of the meetings will be for the review, discussion, and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Further information concerning the Council and Subcommittee meetings may be obtained from Dr. John C. Dalton, Executive Secretary, National Institute on Deafness and Other Communication Disorders, Executive Plaza South, room 400B, National Institutes of Health, Bethesda, Maryland 20892, 301–496–8693. A summary of the meetings and rosters of the members may also be obtained from his office.

(Catalog of Federal Domestic Assistance Program No. 93.173 Biological Research Related to Deafness and Other Communicative Disorders)

Dated: July 31, 1991.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 91–20149 Filed 8–21–91; 8:45 am]

BILLING CODE 4140–01–M

Meeting of the National Deafness and Other Communication Disorders Advisory Council

Pursuant to Public Law 92–463, notice is hereby given of a special meeting of the National Deafness and Other Communication Disorders Advisory Council on September 20, 1991, in Conference Room 6, Building 31C, National Institutes of Health, 9000 Rockville, Pike, Bethesda, Maryland.

In accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, the meeting will be closed to the public. The meeting will be for the review, discussion and evaluation of individual grant applications. The applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Further information concerning the Council meeting may be obtained from Dr. John C. Dalton, Executive Secretary, National Institute on Deafness and Other Communication Disorders, Executive Plaza South, room 4008, National Institutes of Health, Bethesda, Maryland 20892, 301–496–8693. A summary of the meetings and rosters of the members may also be obtained from his office.

(Catalog of Federal Domestic Assistance Program No. 93.173 Biological Research Related to Deafness and Other Communicative Disorders)

Dated: July 31, 1991.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 91–20151 Filed 8–21–91; 8:45 am]

BILLING CODE 4140–01–M

Meeting of the National Deafness and Other Communication Disorders Advisory Board

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Deafness and Other Communication Disorders Advisory Board on September 16, 1991. The meeting will take place from 9 a.m. to 5 p.m. in Conference Room 8, Building 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892.

The meeting will be open to the public from 9 a.m. to 3 p.m. to discuss the Board's activities and to present special reports. Attendance by the public will be limited to the space available.

In accordance with the provisions set forth in section 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, the meeting will be closed to the public from 3 p.m. to adjournment for the discussion and recommendation of individuals to serve on scientific panels to update the Hearing and Hearing Impairment and Voice and Voice Disorders Sections of the National Strategic Research Plan. This discussion could reveal personal information concerning these individuals, disclosure of which constitute a clearly unwarranted invasion of personal privacy.

Summaries of the Board's meeting and a roster of members may be obtained from Mrs. Monica Davies, National Institute on Deafness and Other Communication Disorders, Building 31, room 3C08, National Institutes of Health, Bethesda, Maryland 20892, 301–402–1129, upon request.

(Catalog of Federal Domestic Assistance Program No. 13.173 Biological Research Related to Deafness and Other Communicative Disorders)

Dated: July 31, 1991.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 91-20152 Filed 8-21-91; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-060-01-4410-08]

Availability of Draft South Coast Resource Management Plan and Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction of notice of availability.

SUMMARY: This notice corrects errors in the dates of the public meetings and the public review period to receive comments on the draft South Resource Management Plan/Environmental Impact Statement (RMP/EIS), as appeared in the notice of availability published on Friday, June 28, 1991, in Vol. 56, No. 125, pages 29707 and 29708.

The dates pertaining to the review period and public meetings should read:

DATES: Written comments on the draft RMP/EIS must be submitted or postmarked no later than November 15, 1991. Comments may also be presented at public meetings to be held:

6:30 p.m. Wednesday, September 11, Hemet City Council Chambers, 450 E. Latham Ave., Hemet, California

6:30 p.m. Thursday, September 12, Ramona Community Center Auditorium, 434 Aqua Lane, Ramona, California

6:30 p.m. Tuesday, September 17, Barrett Cafe Meeting Room, 1020 Barrett Road, Barrett Junction, San Diego County, California

6:30 p.m. Wednesday, September 18, Walnut School, 625 N. Walnut, La Habra, California

6:30 p.m. Thursday, September 26, Sierra Vista Junior High School, 19425 West Stillmore Street, Canyon County, California

ADDRESSES: Written comments should be addressed to Russell L. Kaldenberg, Area Manager, Bureau of Land Management, Palm Springs-South Coast Resource Area, 63-500 Garnet Avenue, P.O. Box 2000, North Palm Springs, California 92258.

FOR FURTHER INFORMATION CONTACT: Duane Winters, RMP Team Leader, Palm Springs-South Coast Resource Area; phone (619) 323-4421

Dated: August 9, 1991.

Gerald E. Hillier,

District Manager.

[FR Doc. 91-20059 Filed 8-21-91; 8:45 am]

BILLING CODE 4310-40-M

Office of the Secretary

Privacy Act of 1974—Revision of Systems of Records

Pursuant to the provisions of the Privacy Act of 1974, as amended (5 U.S.C. 552a), notice is hereby given that the Department of the Interior proposes to revise three notices describing records maintained by the U.S. Fish and Wildlife Service and the National Park Service. All changes are editorial in nature, clarify and update existing statements, and reflect organization, address, and other miscellaneous administrative revisions which have occurred since the previous publication of the material in the **Federal Register**. The three notices being revised, which are published in their entirety below, are:

1. Youth Conservation Corps (YCC) Enrollee Records—Interior, Office of the Secretary—25 (previously published on October 19, 1988; 53 FR 40967).

2. Youth Conservation Corps (YCC) Enrollee Payroll Records File—Interior, Office of the Secretary—26 (previously published on October 19, 1988; 53 FR 40968).

3. Youth Conservation Corps (YCC) Enrollee Medical Records—Interior, Office of the Secretary—27 (previously published on October 19, 1988; 53 FR 40968).

In all three notices (OS-25), (OS-26), and (OS-27), the existing system location statements and the existing system manager(s) and address statements are revised to reflect that the records, which were previously maintained by the Office of Historically Black College and University Programs and Job Corps, are now maintained by both the U.S. Fish and Wildlife Service and the National Park Service.

Since these changes do not involve any new or intended use of the information in the systems of records, the notices shall be effective upon publication in the **Federal Register** August 22, 1991. Additional information regarding these revisions may be obtained from the Department Privacy Act Officer, Officer of the Secretary (PMI), room 2242, Main Interior Building, U.S. Department of the Interior, Washington, DC 20240.

Dated: August 15, 1991.

Janet L. Bishop,

Acting Director, Office of Management Improvement.

INTERIOR/05-25

SYSTEM NAME:

Youth Conservation Corps (YCC) Enrollee Records—Interior, Office of the Secretary—25.

SYSTEM LOCATION:

(a) U.S. Department of the Interior, Bureau of Reclamation, Administrative Service Center, Academy Place 1, 7333 West Jefferson, Denver, Colorado 80235.

(b) Participating Field Stations of the U.S. Department of the Interior, U.S. Fish & Wildlife Service. A listing of field offices may be obtained from the System Manager listed below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Enrollees (YCC) of USDI Federal YCC program.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Current enrollee USDI Application Form and Employment and Training Administration Form 27; USDI Medical History Forms; Personal and Statistical Information. (2) Optional; Evaluation of enrollees performance by camp staff; Accident, injury, and treatment forms. (3) Past enrollees; List of names and addresses. (4) Current alternates (YCC) USDI Application Form and Employment and Training Administration Form 27.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 93-408.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) the identification of current and past enrollees and current alternates or applicants; (b) for the selection of alternate upon enrollee withdrawal from program (YCC), (c) to provide enrollee participation record for school credit. Disclosures outside of the Department of the Interior may be made (1) to the U.S. Department of Agriculture in connection with joint administration of YCC program; (2) to the U.S. Department of Justice or in a proceeding before a court or adjudicative body when (a) the United States, the Department of the Interior, a component of the Department, or, when represented by the government, an employee of the Department is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the

Department of the Interior determines that the disclosure is relevant or necessary to the litigation and is compatible with the purpose for which the records were compiled; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order, or license, to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation or for enforcement or implementing the statute, rule, regulation, order or license; (4) to a congressional office from the record of an individual in response to an inquiry the individual has made to the congressional office; (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (6) to Federal, State, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in personnel jackets.

SAFEGUARDS:

In accordance with National Archives and Records Administration regulations (36 CFR 1228.150, *et seq*).

RETENTION AND DISPOSAL:

In accordance with Interior Department, Office of the Secretary Records Schedule NCa–48–82–1.

SYSTEM MANAGER(S) AND ADDRESS:

(a) Youth Program Officer, U.S. Department of the Interior, National Park Service, P.O. Box 37127, 1100 L Street, room 4415, Washington, DC 20013–7127.

(b) Chief, Division of Refuges, U.S. Department of the Interior, U.S. Fish & Wildlife Service, 1849 C. Street NW., Washington, DC 20240.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information pertaining to him/her is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained, medical doctor, school or other official.

INTERIOR/05–26

SYSTEM NAME:

Youth Conservation Corps (YCC), Enrollee Payroll Recorder File—Interior. Office of the Secretary—26.

SYSTEM LOCATION:

(a) U.S. Department of the Interior, Bureau of Reclamation, Administrative Service Center, Academy Place 1, 7333 West Jefferson, Denver, Colorado 80235.

(b) Participating Field Stations of the U.S. Department of the Interior, U.S. Fish & Wildlife Service. A listing of field offices may be obtained from the System Manager listed below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Youth accepted into the YCC program

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel pay, statistical and termination data compiled by camp officials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 93–406.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) the identification of current and past enrollees and corpsmembers; (b) for payroll purposes for current enrollees and corpsmembers, (c) to develop demographic characteristics of enrollee and corpsmember population for statistical purposes. Disclosures outside the Department of the Interior may be made (1) to the Department of the Treasury for preparation of (a) payroll checks and (b) payroll deduction and other checks to Federal, State, and local government agencies, nongovernmental organizations and individuals (2) to the Internal Revenue and to State, Commonwealth, Territorial and local government for tax purposes; (3) to the Civil Service Commission in connection with the Civil Service Retirement System; (4) to another Federal agency to which an employee has transferred; (5) to the U.S. Department of Justice or in a proceeding before a court or adjudicative body when (a) the United States, the Department, or, when represented by the government, an employee of the Department is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Department of the Interior determines that the disclosure is relevant or necessary to the litigation and is compatible with the purposes for which the records were compiled; (6) of information indicting a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the status, rule regulation, order or license; (7) to a Congressional office from the record of an individual in response to an inquiry the individual has made to the Congressional office; (8) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit (9) to Federal, State, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Current and past personal and statistical information on magnetic tape and printouts.

RETRIEVABILITY:

Tape reels are coded by number.

SAFEGUARDS:

In accordance with National Archives and Records Administration regulations (36 CFR 1228.150, *et seq*)

RETENTION AND DISPOSAL:

In accordance with General Records Schedule No. 2, Item 1.

SYSTEM MANAGER(S) AND ADDRESS:

(a) Youth Program Officer, U.S. Department of the Interior, National Park Service, P.O. Box 37127, 1100 L Street room 4415, Washington, DC 20013–7127.

(b) Chief, Division of Refuges, U.S. Department of the Interior, U.S. Fish & Wildlife Service, 1849 C Street, NW., Washington, DC 20240.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the System Manager. A written signed request stating that the requester seeks information concerning records

pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURE:

A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.71.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained camp personnel.

INTERIOR/O5-27.

SYSTEM NAME:

Youth Conservation Corps (YCC) Enrollee Medical Records—Interior, Office of the Secretary—27.

SYSTEM LOCATION:

(a) U.S. Department of the Interior, Bureau of Reclamation, Administrative Service Center, Academy Place 1, 7333 West Jefferson, Denver, Colorado 80235.

(b) Participating Field Stations of the U.S. Department of the Interior, U.S. Fish & Wildlife Service. A listing of field offices may be obtained from the System Manager listed below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Enrollees of past Interior Federal YCC program.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) U.S.C.I. Medical History Forms. (2) Accident, injury and treatment forms. (3) Parental permission portion of the U.S.D.I. Application forms for YCC enrollees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 93-408.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) for the adjudication of FERC medical claims, and (b) the adjudication of tort claims. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Agriculture in connection with joint administration of the YCC program; (2) to the U.S. Department of Justice or in a proceeding before a court or adjudicative body when (a) the United States, the Department of the Interior, a component of the Department, or, when represented by the government, an employee of the Department is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Department of the Interior determines that the disclosure is relevant or necessary to the litigation and is compatible with the purpose for which the records were complied; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statue, rule, regulation, or license; (4) to a congressional office from the record of an individual in response to an inquiry the individual has made to the congressional office; (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual records.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

In accordance with National Achives and Records Administration Regulations (36 CFR 1228.150, *et seq.*).

RETENTION AND DISPOSAL:

In accordance with Interior Department, Office of the Secretary Records Schedule NC1-46-82-1.

SYSTEM MANAGER(S) AND ADDRESS:

(a) Youth Program Officer, U.S. Department of the Interior, National Park Service, P.O. Box 37127, 1100 L Street NW., room 4415, Washington, DC 20013-7127.

(b) Chief, Division of Refuges, U.S. Department of the Interior, U.S. Fish & Wildlife Service, 1849 C Street NW., Washington, DC 20240

NOTIFICATION PROCEDURE:

Inquires regarding the existence of records should be addressed to System Manager. A written signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURE:

A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained, medical doctor, and camp official compiling accident of medical treatment information.

[FR Doc. 91-20102 Filed 8-21-91; 8:45 am]

BILLING CODE 4310-55

Bureau of Land Management

[AK-964-4230-15; F-14857-A]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that the decision to issue conveyance (DIC) to Gwitchyaazhee Corporation, notice of which was published in the Federal Register, page 19689, on April 29, 1991, is modified by adding two easements for the lands located within Sec. 8, T. 20 N., R. 12 E., Fairbanks Meridian, Alaska.

A notice of the modified DIC will be published once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner. Copies of the modified DIC may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599.

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government, or regional corporation, shall have until September 22, 1991, to file an appeal on the issue in the modified DIC. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements in 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

Except as modified, the decision, notice of which was given April 29, 1991, is final.

Sylvia K. Hale,

Lead Land Law Examiner, Branch of Doyon/Northwest Adjudication.

[FR Doc. 91-20112 Filed 8-21-91; 8:45 am]

BILLING CODE 4310-JA-M

[CA-060-01-4333-10]

California Desert District, Availability of the Rainbow Basin Natural Area Management Plan and Supplemental Rules, San Bernardino County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Implementation of the management plan for the Rainbow Basin Natural Area, including vehicle route designation decisions and supplemental rules.

SUMMARY: The California Desert Conservation Area Plan identified the Rainbow Basin ACEC as an area with significant geologic, paleontologic, and scenic values which require special management attention. The management plan prescribes actions for the protection and preservation of those resource values. The planning area includes 31,000 acres within T. 11 N., R. 1 W–2W., SBM. Authorities for the management plan are 43 CFR 8341, 8342, and 8360; Federal Land Policy and Management Act of 1976; National Environmental Policy Act of 1969; and the California Desert Conservation Area Plan of 1980, as amended.

Written public comments were evaluated in reaching these management decisions. A 90-day public comment period extended from September 15, 1990, to December 15, 1990. Formal consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act of 1973, as amended was requested on March 5, 1991 because Rainbow Basin contains desert tortoise (*Gophrus agassizii*), a federally listed threatened species. As a result of this consultation a no jeopardy opinion was rendered on April 9, 1991. The draft management plan was then revised based on public comment and desert tortoise consultation and the final management plan was signed on May 1, 1991.

The Rainbow Basin area will remain open to uses which are compatible with the protection and preservation of geologic, paleontologic, recreation, wildlife, and visual resources. The management plan prescribes the following actions: Consolidate land ownership by acquiring, through exchange or purchase, 10,880 acres of private land within the 31,000 acre area; designate a basic vehicle access network of open routes and designate all other routes and washes as closed to vehicle use; rehabilitate closed vehicle routes; allow camping only in designated campgrounds; prohibit all shooting, including hunting in the area; sign the area to provide visitors information regarding recreation opportunities and restrictions; and monitor the area to ensure plan actions are having the desired effect.

Maps showing which routes are open to vehicle use are contained in the final management plan and are available from the address listed below.

In order to fully implement selected recommendations in the final management plan, the following supplemental rules are promulgated to provide for the protection of persons, property, and public land resources in the Rainbow Basin area. The Rainbow Basin area is closed to the shooting of firearms, including hunting. Camping and campfires are allowed only in designated campgrounds in the Rainbow Basin area. Stopping and parking of vehicles is allowed only in previously disturbed areas within twenty-five feet of designated open routes. Unloading of or camping with horses is allowed only in the designated equestrian campground. Unloading any off-highway vehicle from another vehicle or trailer is prohibited in the Rainbow Basin area. Additional information regarding these supplemental rules is contained in the final management plan for the Rainbow Basin area available from the BLM office listed below.

DATES: August 22, 1991.

ADDRESSES: The management plan, including maps, environmental assessment, and vehicle route designation records of decision, are available at the Barstow Resource Area Office, 150 Coolwater Lane, Barstow, CA 92311 from 7:45 a.m. until 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Harold Johnson at the above address or telephone (619) 256–2729.

SUPPLEMENTARY INFORMATION: The authority for establishing supplemental rules is contained in 43 CFR 8365.1–6. These rules have been recommended and adopted through the development of the Rainbow Basin Management Plan. These rules will be available in the Barstow Resource Area office which has jurisdiction over the lands, sites, and facilities affected. These rules will also be posted near and/or within the lands, sites, or facilities affected.

Dated: August 15, 1991.

Ed Hastey,

State Director.

[FR Doc. 91–2011 Filed 8–21–91; 8:45 am]

BILLING CODE 4310–40–M

[CO-920-91-4111-15; COC30469]

Colorado; Proposed Reinstatement

Notice is hereby given that a petition for reinstatement of oil and has lease COC30469 for lands in Mesa and Garfield Counties, Colorado, was timely filed and was accompanied by all the required rentals and royalties accruing from June 1, 1991, the date of termination.

The lessee has agreed to new lease terms for rentals and royalties at rates of $5 and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee for the lease and has reimbursed the Bureau of Land Management for the estimated cost of this **Federal Register** notice.

Having met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920, as amended, (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease effective June 1, 1991, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Questions concerning this notice may be directed to Joan Gilbert of the Colorado State Office at 303/239–3783.

Janet M. Budzilek,

Chief, Fluid Minerals Adjudication Section.

[FR Doc. 91–20115 Filed 8–21–91; 8:45 am]

BILLING CODE 4310–JB–M

[AZ-020-00-4212-12; AZA-24131AF & AZA-23000]

Public Land Exchange, Mohave County, AZ

AGENCY: Bureau of Land Management—Interior.

ACTION: Notice of Termination/Realty Action—Exchange, Public Lands, Notice of Realty Action/Recreation & Public Purpose Conveyance Mohave County, Arizona.

SUMMARY: The following described lands and interests therein have been determined to be suitable for conveyance under the provisions of the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869 *et seq.*) and the regulations established by 43 CFR 2740 and 2910. The existing private exchange proposal on these lands is hereby terminated. These lands will not be offered for purchase until at least sixty (60) days after the date of publication of this notice in the **Federal Register**:

Gila and Salt River Meridian

T. 21 N., R. 18 W.,

Sec. 8, NE¼SE¼NE¼NE¼.

Containing 2.5 acres, more or less.

The public land to be conveyed will be subject to the following terms and conditions:

1. Reservations to the United States: (a). Right-of-way for ditches and canals pursuant to the Act of August 30, 1890.

2. Subject to: (a). Restrictions that may be imposed by the Mohave County Board of Supervisors in accordance with county floodplain regulations established under Resolution No. 84–10 adopted on December 3, 1984, as amended: (b). Right-of-way to the Mohave County Board of Supervisors (A–17931).

The purpose of this notice is to notify all interested parties of the conveyance of lands which have been developed according to the terms of the Recreation and Public Purpose lease granted to the American Legion Post 22.

Publication of this notice will serve as public notification that all federal action relating to private exchange AZA–24131AF described in the **Federal Register** publication of January 26, 1990, volume 55 no. 18, page 2707, is terminated. The subject lands are now segregated under the authority of the Recreation & Public Purpose Act from operation of the public land laws, including the mining laws, but not the mineral leasing laws. This segregation will terminate upon the issuance of a patent, publication of a notice of termination or two years from the date of this notice, whichever occurs first.

Detailed information concerning this exchange can be obtained from the Kingman Resource Area Office, 2475 Beverly Avenue, Kingman, Arizona 86401. For a period of forty-five (45) days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027. Any adverse comments will be evaluated by the State Director who may sustain, vacate, or modify this reality action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: August 14, 1991.

Henri R. Bisson,

District Manager.

[FR Doc. 91–20113 Filed 8–21–91; 8:45 am]

BILLING CODE 4310–32–M

[OR–110–4212–13; G–1–303]

Realty Actions; Sales, Leases, etc: Oregon

ACTION: Notice of realty action—exchange of public lands in Jackson and Josephine Counties, OR, and notice of intent to amend the Jackson/Klamath and Josephine management framework plans (MFPs).

In accordance with 43 CFR 1610.3–1(d) and 43 CFR 2200, notice is given that the Bureau of Land Management in the State of Oregon, Medford District, intends to amend the Jackson/Klamath and Josephine Management Framework Plans (MFP's). The purpose of the plan amendments is to make available for exchange certain lands located in Jackson and Douglas Counties, in Southwestern Oregon. The MFP amendment will specifically facilitate four current exchange proposals which may not be available or feasible in two years. The ongoing Medford district-wide Resource Management Plan will address broad land tenure adjustment opportunities and should provide overall direction and decisions sometime in 1993.

The purpose of the Notice of Realty Action is to segregate the subject lands from appropriation under the public land laws, including the mining laws, except for exchange, during the amendment and exchange processes.

SUPPLEMENTARY INFORMATION: The Jackson/Klamath MFP proposed plan amendment and exchange proposals include public lands administered by the BLM in the Butte Falls and Ashland Resource Areas described as follows:

Willamette Meridian, Jackson County, OR

T. 32 S., R. 3 E.,
Sec. 18, NW¼NW¼, S½NW¼.
T. 32 S., R. 3 E.,
Sec. 19, NW¼SW¼.
T. 33 S., R. 1 W.,
Sec. 35, W½NW¼SE¼.
T. 33 S., R. 2 E.,
Sec. 1, SE¼SW¼.
T. 34 S., R. 1 E.,
Sec. 23, NW¼SW¼, SW¼SE¼.
T. 34 S., R. 1 E.,
Sec. 35, NE¼SW¼, S½SW¼, SE¼.
T. 34 S., R. 1 W.,
Sec. 31, NE¼NW¼.
T. 34 S., R. 2 E.,
Sec. 29, NE¼NW¼SE¼.
T. 34 S., R. 2 W.,
Sec. 19, NW¼SW¼.
T. 34 S., R. 2 W.,
Sec. 22, SE¼NW¼.
T. 35 S., R. 1 W.,
Sec. 15, NW¼SE¼.
T. 35 S., R. 2 W.,
Sec. 21, NW¼NE¼.
T. 35 S., R. 4 W.,
Sec. 23, S½SW¼.
T. 35 S., R. 4 W.,
Sec. 24, NE¼NW¼.
T. 35 S., R. 4 W.,
Sec. 26, NE¼NE¼, E½SE¼.
T. 35 S., R. 4 W.,
Sec. 34, N½NE¼.
T. 35 S., R. 4 W.,
Sec. 35, S½SE¼
T. 35 S., R. 6 W.,
Sec. 14, NW¼SE¼.
T. 36 S., R. 1 E.,
Sec. 1, NW¼NW¼.
T. 36 S., R. 1 E.,
Sec. 3, N½SE¼.
T. 36 S., R. 1 E.,
Sec. 20, E½SE¼, N½NE¼.
T. 36 S., R. 2 W.,
Sec. 13, NW¼NE¼.
T. 36 S., R. 3 W.,
Sec. 21, NE¼SW¼.
T. 36 S., R. 3 W.,
Sec. 33, NW¼SE¼SW¼, SW¼SW¼ including that portion described as the Segregation Survey of James Burns Placer Claim Nos. 1, 2, and 3.
T. 36 S., R. 4 W.,
Sec. 25, S½SW¼SE¼, SE¼SW¼.
T. 37 S., R. 1 E.,
Sec. 15, SE¼NW¼.
T. 37 S., R. 1 E.,
Sec. 24, NW¼SE¼.
T. 37 S., R. 1 W.,
Sec. 1, SW¼SE¼.
T. 37 S., R. 2 W.,
Sec. 5, SE¼SW¼.
T. 37 S., R. 2 W.,
Sec. 17, E½NW¼.
T. 37 S., R. 3 W.,
Sec. 4, That portion of the NW¼NW¼ which is described as the Segregation Survey of James Burns Placer Claim Nos. 1, 2 and 3.
T. 37 S., R. 3 W.,
Sec. 5, N½NE¼NE¼, Lot 1, M.S. 576.
T. 37 S., R. 3 W.,
Sec. 25, Lot 1, S½NE¼.
T. 37 S., R. 3 W.,
Sec. 35, SE¼NE¼, Lot 1.
T. 38 S., R. 1 E.,
Sec. 3, NE¼NW¼, SW¼NW¼.
T. 38 S., R. 1 E.,
Sec. 5, SE¼NE¼.
T. 38 S., R. 1 W.,
Sec. 30, NW¼NW¼.
T. 38 S., R. 2 E.,
Sec. 34, SW¼NW¼, NW¼SW¼.
T. 38 S., R. 2 W.,
Sec. 3, Lot 6, SW½SW¼.
T. 38 S., R. 2 W.,
Sec. 7, Lot 1, NE¼NW¼.
T. 38 S., R. 2 W.,
Sec. 10, NE¼NW¼.
T. 39 S., R. 1 W.,
Sec. 1, NE¼NE¼.
T. 39 S., R. 1 W.,
Sec. 4, N½NE¼.
T. 39 S., R. 2 E.,
Sec. 1, NW¼NE¼.
T. 39 S., R. 2 E.,
Sec. 17, SE¼NE¼, NE¼SE¼.
T. 39 S., R. 2 W.,
Sec. 18, NW¼NE¼SW¼, SE¼SE¼SW¼.
T. 39 S., R. 2 W.,
Sec. 19, NE¼NW¼, SE¼NW¼NW¼.
T. 39 S., R. 2 W.,
Sec. 27, NW¼NE¼NW¼.

T. 39 S., R. 3 E.,
Sec. 31, SW¼SW¼.
T. 40 S., R. 2 E.,
Sec. 1, E½SW¼, SE¼NW¼, SW¼NE¼.
T. 40 S., R. 2 E.,
Sec. 3, E½NE¼, NE¼SE¼, SW¼SE¼.
T. 40 S., R. 2 E.,
Sec. 20, NW¼NW¼.

Aggregating approximately 3,165.44 acres.

The proposed Josephine MFD plan amendment and exchange proposal includes public lands administered by the BLM in the Glendale Resource Area described as follows:

Willamette Meridian, Douglas County, OR

T. 32 S., R. 6 E.,
Sec. 24, SE¼SW¼.
T. 32 S., R. 6 W.,
Sec. 25, N½NW¼.
T. 32 S., R. 6 W.,
Sec. 34, Lot 2.
T. 32 S., R. 6 W.,
Sec. 35, Lot 1.

Aggregating approximately 142.92 acres.

Contingent upon approval of the amended MFP's, the above described 3,308.36 acres will be in conformance with the approved land use plans and, therefore, suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716.

An exchange is planned by the Grants Pass Resource Area which includes the following public lands. These lands have already been identified as being suitable for disposal in the Josephine MFP.

Willamette Meridian, Josephine County, OR

T. 39 S., R. 7 W.,
Sec. 23, Lot 3.
T. 39 S., R. 8 W.,
Sec. 27, NE¼NW¼.
T. 41 S., R. 8 W.,
Sec. 10, E½SE¼.
T. 41 S., R. 9 W.,
Sec. 12, SE¼NE¼.

Aggregating approximately 201.41 acres.

The Medford District Office is considering several exchange proposals. The parcels being proposed for disposal are generally considered to be isolated and uneconomical to manage. The parcels identified for acquisition through the exchange process are considered to contain high public values including riparian areas, wildlife, fisheries, special status plants and recreation potential.

Subsequent notices of realty action and more specific information concerning the proposed plan amendments will be published at a later date. These notices will describe more specifically the lands which will be acquired by exchange, the terms and conditions of each exchange and will include information on the availability of the environmental assessments with the public comment periods announced.

Major issues involved in the plan amendments include the specific identification of both public and private land parcels to be included in each potential exchange. Parcels will be screened by an interdisciplinary team through the environmental assessment process. Disciplines to be represented on the interdisciplinary team preparing the plan amendments and Environmental Assessments (EA's) are: Wildlife, recreation, watershed, botany, soils, lands and realty, cultural, forestry, recreation and land use planning. Preliminary planning criteria and alternatives are now being prepared and will be made available for review at the Medford District Office.

The publication of this notice in the **Federal Register** will segregate all of the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws, except for exchange. As provided by the regulations of 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed and shall be returned to the applicant. This segregative effect shall terminate upon issuance of patent to such lands, upon publication in the **Federal Register** of a termination of the segregation, or two years from date of this publication, whichever occurs first.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning the proposed exchanges and plan amendments, including the environmental analyses will be available at a later date at the Medford District Office, 3040 Biddle Road, Medford, Oregon 97504. For information on the Ashland Resource Area parcels contact Mary Johnson at the above address or call (503) 770–2200. For information on the Grants Pass exchange contact Matt Craddock at the above address or call (503) 770–2272. For information on the Glendale Resource Area parcels contact Jim Badger at the above address or by phoning (503) 770–2200. For information on the Butte Falls Area Parcels contact Don Kreitner at the above address or call (503) 770–2262.

DATES: A two purpose public comment period is provided at this time. The 45 day public comment period will serve to meet requirements for both the Notice of Realty Action and the Notice of Intent to prepare plan amendments. The 45 day comment period will begin with the publication of this Notice in the **Federal Register**. At this time the BLM is inviting comments to be considered in the preparation of the environmental assessments. When the environmental assessments are completed, a public comment period for each exchange and associated plan amendment will be provided and announced in subsequent **Federal Register** notices.

James P. Clason,
Acting District Manager.

[FR Doc. 91–20114 Filed 8–21–91; 8:45 am]
BILLING CODE 4310–33–M

[NM–940–01–4730–12]

Filing of Plats of Survey; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey described below have been officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico.

New Mexico Principal Meridian, New Mexico:

T. 8 N., R. 16 W., Accepted July 26, 1991, for Group 878 NM.
Sebastian Martin Grant, NM, Accepted July 26, 1991, for Group 897 NM.

The above-listed plats represent dependent resurveys, survey and subdivision.

These plats will be in the files of the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87504–1449. Copies may be obtained from this office upon payment of $2.50 per sheet.

Dated: August 13, 1991.

John P. Bennett,
Chief, Cadastral Survey.

[FR Doc. 91–20110 Filed 8–21–91; 8:45 am]
BILLING CODE 4310–FB–M

[WY–940–01–4730–12]

Filing of Plats of Survey: Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Wyoming State Office, Cheyenne, Wyoming, thirty (30) calendar days from the date of this publication.

Sixth Principal Meridian, Wyoming

T. 31 N., R. 118 W., accepted August 14, 1991
T. 49 N., R. 106 W., accepted August 14, 1991
T. 48 N., R. 106 W., accepted August 14, 1991
T. 49 N., R. 105 W., accepted August 14, 1991
T. 57 N., R. 95 W., accepted August 14, 1991

If protests against a survey, as shown on any of the above plats, are received prior to the official filing, the filing will be stayed pending consideration of the protest(s). A plat will not be officially filed until after disposition of protest(s) and or appeal(s).

These plats will be placed in the open files of the Wyoming State Office, Bureau of Land Management, 2515 Warren Ave., Cheyenne, Wyoming, and will be available to the public as a matter of information only. Copies of the plats will be made available upon request and prepayment of the reproduction fee of $2.00 per copy. A person or party who wishes to protest a survey must file with the State Director, Bureau of Land Management, Cheyenne, Wyoming, a notice of protest prior to thirty (30) calendar days from the date of this publication. If the protest notice did not include a statement of reasons for the protest, the protestant shall file such a statement with the State Director within thirty (30) calendar days after the notice of protest was filed.

The above-listed plats represent dependent resurveys, surveys and subdivisions.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, P.O. Box 1828, 2515 Warren Avenue, Cheyenne, Wyoming 82003.

Dated: August 14, 1991.

John P. Lee,

Chief, Branch of Cadastral Survey.

[FR Doc. 91-20109 Filed 8-21-91; 8:45 am]

BILLING CODE 4310-84-M

[UT-920-01-4332-08]

Utah: Public Review Period of U.S. Geological Survey/U.S. Bureau of Mines Mineral Survey Reports; Wilderness Study Areas

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability, Mineral Survey Reports.

SUMMARY: The Utah State Office, Bureau of Land Management (BLM) is requesting the public to review fourteen (14) combined U.S. Geological Survey (USGS) and U.S. Bureau of Mines (USBM) Mineral Survey Reports have been completed for 23 wilderness study areas (WSA's). If the public submits significant new minerals data or identifies significant differences in interpretation of the data presented in the reports, this information will be forwarded to USGS and USBM for further consideration. Evaluations received by the BLM from the USGS and USBM will be considered by the State Director in the final wilderness suitability recommendations. Information requested from the public via this notice is not limited to a specific energy or mineral resource. Information may be in the form of a letter and should be as specific as possible. Comments should include:

1. The name and number of the subject Wilderness Study Area and Mineral Survey Report.
2. The mineral(s) of interest.
3. A map or land description by legal subdivision of the public land survey or protracted survey showing the specified parcel(s) of concern within the subject Wilderness Study Area.
4. The name, address and telephone number of the person who may be contacted by technical personnel of the BLM, USSGS, or USBM assigned to review the information.

Geological maps, cross sections, drill hole logs, sample analyses, etc. should be included. Published literature and reports may be cited. All detailed information submitted and marked "Confidential" will be treated as proprietary and not released to the public without consent. However, it must be understood that general conclusions drawn from confidential information may be made public as part of the wilderness review process. New information will be accepted on the reports enumerated in this notice for a period of 60 days from the date of this **Federal Register** notice, and should be addressed to: James M. Parker, State Director, Bureau of Land Management, Utah State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155. The following is a list of available Mineral Survey Reports on which new information will be accepted.

WSA No.	Wilderness Study Area	Report No.
UT-020-060/UT-050-020	Deep Creek Mountains	USGS Bulletin 1745-C
UT-050-078	Notch Peak	USGS Bulletin 1749-C
UT-040-123/UT-050-166	Cougar Canyon	USGS OFR 90-331
UT-040--247/A	Paria-Hackberry	USGS OFR 90-0453
UT-040-275	The Cockscomb	USGS Bulletin 1745-A
UT-050-242	Bull Mountain	USGS Bulletin 1751-B
UT-050-248	Mt. Pennell	USGS Bulletin 1751-D
UT-060-181	Mancos Mesa	USGS Bulletin 1755-A
UT-060-139A	Mill Creek Canyon	USGS OFR 90-516
UT-060-139	Negro Bill Canyon	USGS Bulletin 1754-D
UT-060-029A	San Rafael Reef	USGS Bulletin 1752
UT-060-028A	Crack Canyon	USGS Bulletin 1752
UT-060-007	Muddy Creek	USGS Bulletin 1752
UT-060-023/A	Sid's Mountain/Sids Canyon	USGS Bulletin 1752
UT-060-054	Mexican Mountain	USGS Bulletin 1752
UT-060-068A	Desolation Canyon	USGS Bulletin 1753-B
UT-060-067	Turtle Canyon	USGS Bulletin 1753-B
UT-060-068B	Floy Canyon	USGS Bulletin 1753-B
UT-060-100C	Coal Canyon	USGS Bulletin 1753-A
UT-060-100C	Spruce Canyon	USGS Bulletin 1753-A
UT-060-100B	Flume Canyon	USGS Bulletin 1753-A
UT-060-118	Westwater Canyon	USGS Bulletin 1736-C
UT-060-168A	South Needles	Informal USGS Report

These reports are available for review in the Bureau of Land Management Utah State Office, 324 South State Street, Salt Lake City, Utah. In addition, they may be purchased through the U.S. Geological Survey. Reports available for review in BLM offices may not be sold or removed from the office.

FOR FURTHER INFORMATION CONTACT: James Kohler, Bureau of Land Management, Utah State Office, Division of Mineral Resources, P.O. Box

45155, Salt Lake City, Utah 84145–0155, (801) 539–4037.

Dated: August 14, 1991.

James M. Parker,

State Director.

[FR Doc. 91–20088 Filed 8–21–91; 8:45 am]

BILLING CODE 4310–DQ–M

Fish and Wildlife Service

Availability of Draft Recovery Plan for the Amargosa Vole for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces that the draft recovery plan for the Amargosa vole (*Microtus californicus scirpensis*) is available for public review. The vole inhabits a localized portion of the central Mojave Desert in extreme southeastern Inyo County, California. While wetland habitats utilized by the vole are located primarily on private lands, small areas of public land within the range of the species are owned by the State and Federal Government (Bureau of Land Management).

DATES: Comments on the draft recovery plan must be received on or before October 21, 1991, to receive consideration by the Service.

ADDRESSES: The draft recovery plan is available for review at the Death Valley National Monument, Office of Park Superintendent, Visitor Center at Furnace Creek (telephone 619/786–2331). Copies may also be obtained by contacting the U.S. Fish and Wildlife Service, 2140 Eastman Avenue, suite 100, Ventura, California 93003 (telephone 805/644–1766). Written comments and materials regarding the plan should be addressed to Dr. Steven M. Chambers, Office Supervisor, at the above address. Comments and materials received are available upon request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Lynn Oldt, Fish and Wildlife Biologist, U.S. Fish and Wildlife Service (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened animal or plant to the point where it is again a secure self-sustaining member of its ecosystem is a primary goal of the U.S. Fish and Wildlife Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for the recovery levels for downlisting or delisting them, and estimate the time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act) requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

The vole occurs in an isolated portion of the central Mojave Desert, in extreme southeastern Inyo County. The vole is closely associated with wetland vegetation present in distinct areas along an isolated riparian segment of the Amargosa River. Historical and current threats to the species and its habitat include conversion of wetlands for farming, diversion of surface or ground waters, intermittent flooding, and the introduction of exotic plant and wildlife species.

The draft recovery plan for the Amargosa vole calls for securing and managing remaining populations of the vole within approximately 500 acres of wetland habitats in the Tecopa Lake Basin and the Amarosa Canyon. These secured wetland habitats will be collectively managed to meet or exceed a minimum vole population size of 5,000 animals. Tasks to accomplish this objective include habitat conservation, research into aspects of the vole's life history, and establishment of additional populations.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to approval of the plan.

Authority The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: August 12, 1991.

William E. Martin,

Acting Regional Director, U.S. Fish and Wildlife Service, Region 1.

[FR Doc. 91–20105 Filed 8–21–91; 8:45 am]

BILLING CODE 4310–55–M

Availability of Draft Recovery Plan for the Mauna Kea Silversword for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of a draft recovery plan for the Mauna Kea Silversword (*Argyroxiphium sandwicense* spp. *sandwicense*). This species is endemic to the alpine areas of Mauna Kea volcano on the island of Hawaii.

DATES: Comments on the draft recovery plan must be received on or before October 21, 1991 to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the Field Supervisor, Pacific Islands Office, U.S. Fish and Wildlife Service, P.O. Box 50167, Honolulu, Hawaii 96850 (building address: 300 Alà Moana Boulevard, Honolulu, Hawaii 96813) (Phone: 808/541–2749 or FTS/551–2749) or Assistant Regional Director, Fish and Wildlife Enhancement, U.S. Fish and Wildlife Service, 911 NE. 11th Avenue, Portland, Oregon 97232 (phone: 503/231–6131 or FTS/429–6131). Copies of the draft recovery plan also will be available for review at the Kailua-Kona Public Library, 75138 Hualalai Road, Kailua Kona, Hawaii 96740, and at the Hilo Public Library, 300 Waianuenue Avenue, Hilo, Hawaii 96720. Written comments and materials regarding the draft recovery plan should be addressed to Robert P. Smith, Field Supervisor of the Pacific Islands Office at the Honolulu address given above. Comments and materials received are available on request for public inspection, by appointments, during normal business hours at the above Honolulu address.

FOR FURTHER INFORMATION CONTACT: Karen Rosa, Fish and Wildlife Biologist, at the Honolulu address given above.

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining

members of their ecosystem is a primary goal of the Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States, its Territories and Commonwealths. Recovery plans describe actions considered necessary for conservation of the species, criteria for recognizing the recovery levels for downlisting or delisting them, and initial estimates of times and costs to implement the recovery measures needed.

The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act) requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that a public notice and an opportuntity for public review and comment be provided during recovery plan development. The service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

The species being considered in this recovery plan is the Mauna Kea silversword (*Argyroxiphium sandwicense* ssp. *sandwicense*). The areas of emphasis for recovery actions are the Waipahoehoe and Wailuku Gulches and other suitable habitat in the Mauna Kea Forest Reserve on the island of Hawaii.

In 1987, the total population of Mauna Kea silversword was estimated to be 309 individuals, of which only 31 were naturally occurring. Browsing and rooting by feral ungulates are the major threats to the silverword's survival. Other threats are those relating to the population's small size, such as low genetic heterogeneity leading to low mating success or seed viability.

Recovery efforts will focus on protection of all extant individuals from feral ungulates, the elimination of such ungulates from the Mauna Kea Forest Reserve, research on the reproductive and habitat requirements of the agencies, and reestablishment of the species within areas of its historic range.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to approval of this plan.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f)

Dated: August 12, 1991.

William E. Martin,

Acting Regional Director, U.S. Fish and Wildlife Service, Region 1.

[FR Doc. 91-20095 Filed 8-21-91; 8:45 am]

BILLING CODE 4310-55-M

Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT-758207

Applicant: Racine Zoological Gardens, Racine, WI.

The applicant requests a permit to export one female Asian elephant (*Elephas maximus*) to African Lion Safari, Ontario, Canada, for breeding purposes.

PRT-757894

Applicant: Carol Buckley, Racine, WI.

The applicant requests a permit to export one female Asian elephant (*Elephas maximus*) to African Lion Safari, Ontario, Canada for breeding purposes.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to, or by appointment during normal business hours (7:45–4:15) in, the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: August 19, 1991.

R.K. Robinson,

Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 91-20127 Filed 8-21-91; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the information collection requirement, forms, and related material may be obtained by contacting Jeane Kalas at 303–231–3046. Comments and suggestions on this requirement should be made directly to the Bureau Clearance Officer at the telephone number listed below and to the Office of Management and Budget, Paperwork Reduction Project (1010–0042), Washington, DC 20503, telephone 202–395–7340.

Title: Application For and Disposition of Royalty Oil Taken In Kind.

OMB Approval number: 1010–0042.

Abstract: In some instances the Government may accept a lessee's royalty payment in oil rather than money. Title to this Royalty-In-Kind (RIK) oil is transferred to the Government and then is sold to eligible refiners. When the Secretary of the Interior determines that small refiners do not have access to adequate supplies of oil, the Secretary may dispose of RIK oil by conducting a sale, or by allocating the oil to eligible refiners. Form MMS–4070, Application for the Purchase of Royalty Oil, is submitted by refiners interested in purchasing oil. Information collected is used to determine if the applicant meets eligibility requirements to purchase royalty oil. Form MMS–4071, Semiannual Report of RIK Entitlements and Deliveries is used to document monthly RIK oil entitlements due from lease operators to eligible refiners.

Bureau Form Numbers: MMS–4070, MMS–4071.

Frequency: On occasion, semiannually.

Description of Respondents: Operators of Federal offshore and onshore leases, oil refiners.

Estimated Completion Time: ¼ hour to 1 hour.

Annual Responses: 1,032.

Annual Burden Hours: 542.

Bureau Clearance Officer: Dorothy Christopher 703–435–6213.

Dated: July 3, 1991.

Jerry D. Hill,

Associate Director for Royalty Management.

[FR Doc. 91-20100 Filed 8-21-91; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Board for International Food and Agricultural Development and Economic Cooperation; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the One Hundredth and Seventh Meeting of the Board for International Food and Agricultural Development and Economic Cooperation (BIFADEC) on September 19, 1991, from 1:30 p.m. to 5 p.m. and on September 20, 1991, from 8:30 a.m. to 12 noon.

The purposes of the Meeting are (1) To consider Board endorsement and other action on the specific recommendations of the BIFADEC Task Force on Development Assistance and Cooperation; (2) to receive the report of the BIFADEC Budget Panel on the A.I.D. program budget and consider action on its recommendations; (3) to learn about the Agency's Family and Development Initiative; (4) to consider the importance of the research function in A.I.D. and how best to sustain it; (5) to learn about the new Operations Unit in the Agency and how it will function; (6) to learn about A.I.D. programming for Eastern Europe, with special reference to recent university grants; (7) to consider the most appropriate committee structure for the expanded mandate for BIFADEC; (8) to receive and consider a report from the Joint Committee on Agricultural Research and Development (JCARD); and (9) to receive updates on the Agency Center for University Cooperation in Development and the University Development Linkage Project.

Both sessions will be held in Main State Department Building in room 1105. Any interested person may attend and may present oral statements in accordance with procedures established by the Board and to the extent time available for the meeting permits.

All persons, visitors and employees, are required to wear proper identification at all times while in the Department of State building. Please let the BIFADEC Staff know (at tel. no. 202–663–2575) that you expect to attend the meeting and on which days. Provide your full name, name of employing company or organization, address and telephone number not later than September 17, 1991.

A BIFADEC Staff Member will meet you at the Department of State Diplomatic Entrance at C and 22nd Streets with your Visitor's Pass.

Curtis Jackson, Bureau of Science and Technology, Office of Research and University Relations, Agency for International Development will be the A.I.D. Advisory Committee Representative at this Meeting. Those desiring further information may write to Dr. Jackson, in care of the Agency for International Development, Rm. 309, SA–18, Washington, DC 20523, or telephone him on (703) 875–4005

Dated: August 16, 1991.

Ralph H. Smuckler,

Executive Director, Agency Center for University Cooperation in Development.

[FR Doc. 91–20054 Filed 8–21–91; 8:45 am]

BILLING CODE 6116–01–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 394 (Sub-No. 6)]

Cost Ratio for Recyclables—1989 Determination

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed (revised) maximum rate ceilings.

SUMMARY: By decision served January 3, 1991, in this proceeding, the Commission affirmed a revenue-to-variable cost ratio of 145.1 percent as the 1989 ceiling for rates on nonferrous recyclables under the statutory standard of 49 U.S.C. 10731(e). It also proposed individual and regional R/VC rations contingent upon changes to the compliance rules under consideration in a separate proceeding. The R/VC ratios were calculated in accordance with established procedures using the Uniform Railroad Costing System (URCS). Minor corrections made to URCS and its computer program after service of the decision affect the values of the proposed regional and individual railroad ratios. The overall impact of the URCS change is minimal. Since these ratios are not yet in effect, the Commission has decided to reopen the proceeding to revise all the R/VC ratios for 1989. The proposed (revised) national average R/C ratio for 1989 is 144.3 percent. Regional and individual railroad (revised) R/VC ratios are proposed contingent upon changes to the compliance rules.

EFFECTIVE DATE: This decision is effective on September 11, 1991, unless, within that time, comments are received challenging the accuracy of the individual and regional ratios, in which case a further decision will be issued.

FOR FURTHER INFORMATION CONTACT: William T. Bono (202) 275–7354, [TDD for hearing impaired: (202) 275–1721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To obtain a copy of the full decision, write to, call or pick up in person from: Office of the Secretary, room 2215, Interstate Commerce Commission, Washington, DC 20423. Telephone (202) 275–7428. [Assistance for the hearing impaired is available through TDD services (202) 275–1721].

This decision will not significantly affect the quality of the human environment or the conservation of energy resources.

Authority: 49 U.S.C. 10321(a), 10731, 5 U.S.C. 553.

Decided: August 15, 1991.

By the Commission, Chairman Philbin, Vice Chairman Emmett, Commissioners Simmons, Phillips, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91–20137 Filed 8–21–91; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 394 (Sub-No. 7)]

Cost Ratio for Recyclables—1990 Determination

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed (revised) maximum rate ceilings.

SUMMARY: By decision served January 3, 1991, in this proceeding, the Commission affirmed a revenue-to-variable cost ratio of 144.3 percent as the 1990 ceiling for rates on nonferrous recyclables under the statutory standard of 49 U.S.C. 10731(e). It also proposed individual and regional R/VC ratios contingent upon changes to the compliance rules under consideration in a separate proceeding. The proposed R/VC ratios were calculated in accordance with established procedures using the Uniform Railroad Costing System (URCS). The effective date of the decision was postponed as a result of comments filed by the Association of American Railroads. Minor corrections made to URCS and its computer program after service of the decision affect the values of the proposed ratios. The overall impact of the URCS change is minimal. Since none of the ratios are in effect, the Commission is revising all the R/VC ratios proposed for 1990 in its January 3 Decision. The proposed (revised) national average R/VC ratio for 1990 is 143.5 percent. Regional and individual railroad (revised) R/VC ratios are proposed contingent upon changes to the compliance rules.

EFFECTIVE DATE: This decision is effective on September 11, 1991, unless, within that time, comments are received challenging the accuracy of the ratios, in which case a further decision will be issued.

FOR FURTHER INFORMATION CONTACT: William T. Bono (202) 275–7354; [TDD for hearing impaired: (202) 275–1721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To obtain a copy of the full decision, write to, call or pick up in person from: Office of the Secretary, room 2215, Interstate Commerce Commission, Washington, DC 20423. Telephone (202) 275–7428. [Assistance for the hearing impaired is available through TDD services (202) 275–1721].

This decision will not significantly affect the quality of the human environment or the conservation of energy resources.

Authority: 49 U.S.C. 10321(a), 10731, 5 U.S.C. 553.

Decided: August 15, 1991.

By the Commission, Chairman Philbin, Vice Chairman Emmett, Commissioners Simmons, Phillips, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91–20136 Filed 8–21–91; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Aeroquip et al.; Lodging of Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that on July 25, 1991, a proposed Partial Consent Decree in *United States* v. *Aeroquip, et al.* Civil Action No. 91–2077–0 was lodged with the United States District Court for the District of South Carolina.

The Complaint, brought pursuant to sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), 42 U.S.C. 9606 and 9607, seeks injunctive relief to abate an imminent and substantial endangerment to the public health or welfare or environment and the recovery of response costs incurred or to be incurred by the United States in connection with the Carolawn Superfund Site located in Fort Lawn, Chester County, South Carolina. The Corolawn Site is a 60-acre abandoned waste disposal and storage facility. Approximately five acres of the Site were affected by the hazardous waste storage and disposal activities at the Site.

Pursuant to the proposed Partial Consent Decree, the Settling Defendants will design and construct a groundwater extraction and treatment system in accordance with EPA's Record of Decision. The Settling Defendants will also reimburse the Hazardous Substances Superfund for oversight costs incurred by EPA.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044. Comments should refer to *United States* v. *Aeroequip Corp. et al.*, D.O.J. Ref. 90–11–3–5.

The proposed Consent Decree may be examined at the Environmental Enforcement Section Document Center, 601 Pennyslvania Avenue Building, NW., Washington, DC 20044 (202–347–2072). A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue, NW., Box 1097, Washington, DC 20044. In requesting a copy by mail, please enclose a check in the amount of $13.25 (25 cents per page reproduction cost) payable to the "Treasurer of the United States".

Richard B. Stewart,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 91–20057 Filed 8–21–91; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 91–74]

NASA Advisory Council Exploration Task Force; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council Exploration Task Force.

DATES: September 17, 1991, 9 a.m. to 2 p.m.

ADDRESSES: The Smithsonian Institution (The Castle), The Regent's Room, 1000 Jefferson Drive, SW., Washington, DC 20560.

FOR FURTHER INFORMATION CONTACT: Ms. Charlotte Kea, Code RZ, National Aeronautics and Space Administration, Washington, DC 20546, 202/453-2919.

SUPPLEMENTARY INFORMATION: The NASA Advisory Council Exploration Task Force was established to provide strategy guidelines for a comprehensive program of human exploration of the solar system; and report to the Council the results of its study. The Task Force is chaired by Robert M. Adams and is composed of nine members.

The meeting will be open to the public up to the seating capacity of the room, which is approximately 25 persons including Task Force members and other participants.

Type of Meeting

Open.

Agenda:

September 17, 1991

9 a.m.—Introductory Remarks.
9:30 a.m.—Space Exploration Initiative Update.
10:30 a.m.—Incorporating Constituent Interests into Space Exploration Initiative Program Plans.
11 a.m.—Review and Discussion of Monograph.
2 p.m.—Adjourn.

Dated: August 16, 1991.

John W. Gaff,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 91–20124 Filed 8–21–91; 8:45 am]

BILLING CODE 7510–01–M

[Notice 91–73]

NASA Advisory Council (NAC), Aeronautics Advisory Committee (AAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, High-Speed Rotorcraft Technology Task Force.

DATES: September 19, 1991, 9 a.m. to 4:30 p.m.; and September 20, 1991, 9 a.m. to 3 p.m.

ADDRESSES: Atlantic Research Corporation, suite 700, Staff Room, 600

Maryland Avenue, SW., Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Whitehead, Office of Aeronautics, Exploration and Technology, National Aeronautics and Space Administration, Washington, DC 20546, 202/453–2805.

SUPPLEMENTARY INFORMATION: The NAC Aeronautics Advisory Committee (ACC) was established to provide overall guidance to the Office of Aeronautics, Exploration and Technology (OAET) on aeronautics research and technology activities. Special task forces are formed to address specific topics. The High-Speed Rotorcraft Technology Task Force, chaired by Mr. Stan Martin, is composed of nine members.

The meeting will be open to the public up to the seating capacity of the room (approximately 20 persons including the team members and other participants).

Type of Meeting:

Open.

Agenda

September 19, 1991

9 a.m.—Opening Remarks.
9:15 a.m.—Review Terms of Reference.
10 a.m.—Overview of NASA's High-Speed Rotorcraft Program.
11 a.m.—Overview High-Speed Rotorcraft Initiative Plan.
1 p.m.—Background Study Material Discussion.
3:15 p.m.—Group Discussion.
4:30 p.m.—Adjourn.

September 20, 1991

9 a.m.—Planning Session.
2:20 p.m.—Wrap-up.
3 p.m.—Adjourn.

Dated: August 16, 1991.

John W. Gaff,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 91–20123 Filed 8–21–90; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Under OMB Review

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATES: Comments on this information collection must be submitted on or before September 23, 1991.

ADDRESSES: Send comments to Ms. Susan Daisey, Assistant Director, Grants Office, National Endowment for the Humanities, 1100 Pennsylvania Avenue NW., room 310, Washington, DC 20506 (202–786–0494) and Mr. Daniel Chenok, Office of Management and Budget, New Executive Office Building, 726 Jackson Place NW., room 3002, Washington, DC 20503 (202–395–7316).

FOR FURTHER INFORMATION CONTACT: Ms. Susan Daisey, Assistant Director, Grants Office, National Endowment for the Humanities, 1100 Pennsylvania Avenue NW., room 310, Washington, DC 20506 (202) 786–0494 from whom copies of forms and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entries are grouped into new forms, revisions, extensions, or reinstatements. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what the form will be used for; (6) an estimate of the number of responses; (7) the frequency of response; (8) an estimate of the total number of hours needed to fill out the form; (9) an estimate of the total annual reporting and recordkeeping burden. None of these entries are subject to 44 U.S.C. 3504(h).

Category: Revisions.
Title: Reviewer Comment Sheet.
Form Number: Not Applicable.
Frequency of Collection: 1–4 instances annually per respondent.
Respondents: Specialists in the fields of the humanities or areas related to applications received by the Division of Research Programs.
Use: To record specialist reviewers' evaluations of applications for funding.
Estimated Number of Respondents: 5,455 per year.
Frequency of Response: Approximately 1.1 responses per respondent per year. The majority of respondents receive only one application to review per year; however, a single reviewer could receive up to 4 applications in a year.
Estimated Hours for Respondents to Provide Information: 12,000 annually; 2.2 hours per respondent.
Estimated Total Annual Reporting and Recordkeeping Burden: 12,000 hours.

Thomas S. Kingston,

Assistant Chairman for Operations.

[FR Doc. 91–20126 Filed 8–21–91; 8:45 am]

BILLING CODE 7536-01-M

Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Jazz Presenters Section) to the National Council on the Arts will be held on September 10–12, 1991 from 9 a.m.–5 p.m. in room 730 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on September 12 from 3 p.m.–5 p.m. The topics will be guidelines review and policy discussion.

The remaining portions of this meeting on September 10–11 from 9 a.m.–5 p.m. and September 12 from 9 a.m.–3 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of June 5, 1991, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any interested persons may attend, as observers, meetings, or portions thereof, of advisory panels which are open to the public.

Members of the public attending an open session of a meeting will be permitted to participate in the panel's discussions at the discretion of the chairman of the panel if the chairman is a full-time Federal employee. If the chairman is not a full-time Federal employee, then public participation will be permitted at the chairman's discretion with the approval of the full-time Federal employee in attendance at the meeting, in compliance with this guidance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Martha Y. Jones, Acting Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: August 13, 1991.

Martha Y. Jones,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 91-20096 Filed 8-21-91; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 70-2917 and 70-2941]

Finding of No Significant Impact and Opportunity for a Hearing Renewal of Special Nuclear Material; License Nos. SNM-1865 and SNM-1883, Tennessee Valley Authority, Bellefonte Nuclear Plant Unit 1 and Unit 2, Scottsboro, AL

The U.S. Nuclear Regulatory Commission (the Commission) is considering the renewal of Special Nuclear Material Licenses Nos. SNM-1865 and SNM-1883 for the continued storage of fuel assemblies for the Tennessee Valley Authority (TVA), Bellefonte Nuclear Plant (BLN), Unit 1 and Unit 2, located in Scottsboro, Alabama.

Summary of the Environmental Assessment

Identification of the Proposed Action: The proposed action is the renewal of Special Nuclear Material License Nos. SNM-1865 and SNM-1883 until May 31, 1996. This action will allow TVA to continue to receive, possess, inspect, and store, fully assembled fuel assemblies at each unit. Each unit is also authorized to store up to 100 loose fuel rods. These licenses will be in effect until May 31, 1996, or until an operating license is issued in accordance with 10 CFR part 50.

The Need For The Proposed Action: The proposed action is needed so TVA can continue to store the unirradiated fuel rods and assemblies onsite until operating licenses are issued for the two units.

Environmental Impacts of the Proposed Action: Fuel storage licenses were originally issued to BLN 1 on January 30, 1980, and to BLN 2 on July 8, 1981. Due to construction delays, the expiration dates for the two licenses have been extended several times. Currently, 410 new fuel assemblies are stored onsite.

The Auxiliary Building is where the new fuel is stored. The 144 fuel assemblies authorized for BLN 1 are stored dry in the new fuel storage vault, and the 270 fuel assemblies authorized for BLN 2 are stored in the Unit 2 spent fuel storage pool. When the spent fuel storage pool is completed, there will be storage space for 1,058 assemblies. At this time, there is only room for 386 assemblies. Criticality safety in the storage locations is maintained by limiting interaction between adjacent fuel assemblies. In addition, the design of these storage locations, combined with plant procedures, will ensure acceptable protection of the general public and plant personnel either under normal or abnormal conditions.

Since the fresh fuel assemblies are sealed sources, the principal exposure pathway to an individual is via external radiation. For the low-enriched uranium fuel assembly (<4 percent U-235 enrichment), the exposure rate at 1 foot from the surface is normally less than 1 mR/hr; therefore, it is estimated that the exposure level to an individual from unirradiated fuel would be less than 25 percent of the maximum permissible exposure specified in 10 CFR part 20. Because of the low radiation exposure levels associated with the requested materials and activities and TVA's radiation protection procedures, the staff concludes that fuel handling and storage activities can be carried out without any significant occupational dose to workers or impact to the environment.

In the event that assemblies must be returned to the fuel fabricator, all packaging and transport of fuel will be in accordance with 10 CFR part 71. The package will meet NRC approval requirements for normal conditions of transport and hypothetical accident conditions. No significant external radiation hazards are associated with the unirradiated assemblies because the radiation level from the clad fuel pellets is low and because the shipping packages must meet the external radiation standards in 10 CFR part 71. Therefore, any shipment of unirradiated fuel is expected to have an insignificant impact.

TVA has installed redundant engineered-safety features on equipment intended for use in fuel handling and storage handling operations. These safety features combined with administrative controls minimize the likelihood of an accident situation occurring during fuel handling activities. In addition, TVA has analyzed the possible consequences that may result from various postulated accidents, the worst being an assembly (either within or outside its shipping container) dropped during transfer. The fuel cladding is not expected to rupture. Even if the cladding were breached and the pellets were released, an insignificant environmental impact would result. The fuel pellets are composed of ceramic UO_2 that has been pelletized and sintered to a very high density. In this form, release of UO_2 aerosol is highly unlikely expected under conditions of deliberate grinding. Additionally, UO_2 is soluble only in acid solution so dissolution and release to the environment are extremely unlikely.

Conclusion: Based upon the information presented above, the environmental impacts associated with new fuel storage at BLN Units 1 and 2 are expected to be insignificant. Essentially no effluents, liquid or airborne, will be released, and acceptable controls are in place to prevent a radiological accident. Therefore, the staff concludes that there will be no significant impacts associated with the proposed action.

Alternatives to the Proposed Action: There are essentially two alternatives to the proposed action. One alternative is to deny the license action entirely. The other alternative is to reduce the amount of radioactive material authorized for the sites. These alternatives would not provide any environmental advantage because as discussed below, no environmental impacts are expected from the proposed action.

Agencies and Persons Consulted: The staff utilized the application dated April 18, 1991, and the final environmental statement related to construction of Bellefonte Nuclear Plant Units 1 and 2, Tennessee Valley Authority, June 1974.

Finding of No Significant Impact: The Commission has prepared an Environmental Assessment related to the renewal of Special Nuclear Material License Nos. SNM-1865 and SNM-1883. On the basis of this assessment, the Commission has concluded that environmental impacts that would be created by the proposed licensing action would not be significant and do not warrant the preparation of an Environmental Impact Statement. Accordingly, it has been determined that a Finding of No Significant Impact is appropriate.

The Environmental Assessment and the above documents related to this proposed action are available for public inspection and copying at the Commission's Public Document Room at the Gelman Building, 2120 L Street NW., Washington, DC.

Opportunity for a Hearing

Any person whose interest may be affected by the issuance of this renewal may file a request for a hearing. Any request for hearing must be filed with the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, within 30 days of the publication of this notice in the Federal

Register; be served on the NRC staff (Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852); on the licensee (Tennessee Valley Authority, 1101 Market Street, Chattanooga, TN 37402); and must comply with the requirements for requesting a hearing set forth in the Commission's regulation, 10 CFR part 2, subpart L, "Informal Hearing Procedures for Adjudications in Materials Licensing Proceedings."

These requirements, which the requestor must describe in detail, are:

1. The interest of the requestor in the proceeding;

2. How that interest may be affected by the results of the proceeding, including the reasons why the requester should be permitted a hearing;

3. The requester's areas of concern about the licensing activity that is the subject matter of the proceeding; and

4. The circumstances establishing that the request for hearing is timely, that is, filed within 30 days of the date of this notice.

In addressing how the requestor's interest may be affected by the proceeding, the request should describe the nature of the requestor's right under the Atomic Energy Act of 1954, as amended, to be made a party to the proceeding; the nature and extent of the requestor's property, financial, or other (i.e., health, safety) interest in the proceeding; and the possible effect of any order that may be entered in the proceeding upon the requestor's interest.

Dated at Rockville, Maryland, this 14th day of August, 1991.

John W. N. Hickey,

Acting Chief, Fuel Cycle Safety Branch, Division of Industrial and Medical Nuclear Safety, NMSS.

[FR Doc. 91-20167 Filed 8-21-91; 8:45 am]

BILLING CODE 7590-01-M

RAILROAD RETIREMENT BOARD

Agency Form Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Railroad Retirement Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) *Collection title*: Statement of Claimant or Other Person.

(2) *Form(s) submitted*: G-93.

(3) *OMB Number*: New Collection.

(4) *Expiration date of current OMB clearance*: Three years from date of OMB approval.

(5) *Type of request*: New Collection.

(6) *Frequency of response*: On occasion.

(7) *Respondents*: Individuals or households, Businesses or other for-profit.

(8) *Estimated annual number of respondents*: 750.

(9) *Total annual responses*: 750.

(10) *Average time per response*: .25 hours.

(11) *Total annual reporting hours*: 188.

(12) *Collection description*: Under Section 2 of the Railroad Retirement and Railroad Unemployment Insurance Acts, pertinent information and proofs must be submitted by an applicant so that the Railroad Retirement Board can determine his or her entitlement to benefits. The collection obtains information supplementing or changing information previously provided by an applicant.

Additional Information or Comments

Copies of the proposed forms and supporting documents can be obtained from Dennis Eagan, the agency clearance officer (312-751-4693). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Laura Oliven (202-395-7316), Office of Management and Budget, room 3002, New Executive Office Building, Washington, DC 20503.

Dennis Eagan,

Clearance Officer.

[FR Doc. 91-20094 Filed 8-21-91; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-29566; File No. SR-CBOE-91-28]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Notice of Filing of Proposed Rule Change Relating to the Extension by Five Minutes of the Cutoff Time for Submitting "Exercise Advice" Forms for Index Options to the Exchange

August 15, 1991.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on July 29, 1991, the Chicago Board Options Exchange ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange hereby proposes to amend Exchange Rule 11.1, Interpretations and Policies .03 by changing the time that an exercise advice form for index options must be submitted to the Exchange. The current cutoff time coincides with the close of trading in the index options, generally 3:15 p.m. (Central time). The Exchange intends to extend the cutoff time to five (5) minutes after the close of trading in index options, generally establishing a 3:20 p.m. (CT) cutoff time.

The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission the CBOE included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(a) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Extending the cutoff time for submitting an exercise advice form for index options to the Exchange is intended to provide market participants with the ability to make investment decisions based upon the evaluation of their final positions after having completed trading for the day. For customers, it will give them additional time to evaluate the closing prices of the stocks that are used to calculate the indexes. For market professionals, the extension will allow them time to receive information from other markets as to whether or not their orders were executed on those markets, such as orders intended to hedge their options

positions. If their hedging transactions in other markets were not executed, then the market participants will still be able to exercise their options positions and not remain in an unhedged position overnight. Additionally, the extension will allow professional traders to continue to provide quality markets until the close because they will not have to worry about getting in exercise advices prior to the actual close of the market. The extension will also structure the Exchange's rule to coincide with those of the Chicago Mercantile Exchange, which allow their market participants an additional five minutes to settle trades after 3:15 p.m. (CT).

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act, in general, and furthers the objectives of section 6(b)(5), in particular, in that it is designed to promote just and equitable principles of trade.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The exchange believes that the proposed rule change will not impose an inappropriate burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by September 12, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[1]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-20139 Filed 8-21-91; 8:45 am]

BILLING CODE 8010-02-M

[Release No. 34-29558; File No. SR-PHLX-91-12]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Crossing of Options Orders and the Execution of Solicited Options Orders

August 14, 1991.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on July 5, 1991, the Philadelphia Stock Exchange, Inc. ("PHLX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PHLX, pursuant to Rule 19b-4, submits a proposal to amend PHLX Rule 1064 and Options Floor Procedure Advice ("OFPA") B-11—Crossing, Facilitation and Solicited Orders. The procedures required of a floor broker holding two orders to be crossed, facilitating a cross or executing a solicited order are enumerated, respectively, in parts (a), (b) and (c) of Rule 1064 and OFPA B-11. Specifically, the PHLX proposal provides when crossing orders that the floor broker's bid or offer must improve the market by the minimum fraction found in OFPA F-6—Option Quote Parameters. In addition, the proposal would also require in the case of a solicited order the identity of the solicited party to be disclosed to the trading crowd.

The text of the proposed rule change is available at the Office of the Secretary, PHLX, and the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization including statements concerning the purpose of, and statutory basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections, (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to amend PHLX Rule 1064 and OFPA B-11 relating to execution of orders to be crossed and solicited orders (the same amendments are proposed with respect to each). First, the PHLX proposes to amend part (a) of each provision, which pertains to the procedures a floor broker must follow when crossing orders. Under the present wording, a floor broker must first request a market from the trading crowd in the options series in which an order to be crossed is held, with the floor broker subsequently required to bid or offer at a price better than the market price. The proposed language clarifies this responsibility as follows: the floor broker must improve the market by the minimum fraction on both sides of the transaction when possible, as enumerated in PHLX OFPA F-6—Option Quote Parameters. For example, with respect to an equity option for which the market quoted is 3½-⅞, a floor broker who bids 3⅝ and waits for the crowd's response may not then offer at 3⅝. Although the offer must improve the market (where this can be effected without offering at the same price as the crossing floor broker just bid) that other better offer must be stated. Thus, the

[1] 17 CFR 200.30-3(a)(12) (1990).

floor broker must offer at 3¾ and then either hit his bid of 3⅝ or take out his 3¾ offer. This policy of encouraging crosses to be executed without bidding and offering at the same price has been a longstanding practice on the trading floor.

The PHLX also proposes to amend part (c) relating to solicited orders. The proposed language serves to clarify the floor broker's responsibility with respect to notifying the trading crowd of a solicited order.[1] Presently, a member seeking to execute a solicited order is required to share with the crowd the same information that the member received from the solicited party. The proposed amendments would also require the identity of the solicited party to be disclosed to the trading crowd. The PHLX believes that this serves to place the parties in a more equal position since a member in the crowd who is given this information may combine it with additional information, personal speculation or opinion about the solicited party, that could influence whether that member chooses to participate in the trade. Disclosure of the solicited party's identity is a key piece of information that the solicited member has and the crowd presently does not. Thus, the Exchange believes that the proposal maximizes the amount of information (upon which trading decisions are based) available to the crowd, and places all potential participants on an equal playing field.

The PHLX believes that the proposed rule change is consistent with the Act, and, in particular, Section 6 in that it is designed to promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by September 12, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-20140 Filed 8-21-91; 8:45 am]

BILLING CODE 8010-01-M

[1] A solicited order is an order stemming from an interest shown outside of the crowd.

[Release No. 34-29575; File No. SR-PHLX-91-16]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to Options Floor Procedure Advice A-13—Auto Execution Engagement/Disengagement Responsibility

August 16, 1991.

On May 24, 1991, the Philadelphia Stock Exchange, Inc. ("PHLX" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b-4 thereunder,[2] a proposal to adopt new Options Floor Procedure Advice ("OFPA") A-13, entitled "Auto Execution Engagement/Disengagement Responsibility," which requires options specialists to activate the Automatic Execution ("Auto-X") feature of the Exchange's Automated Options Market ("AUTOM") system [3] within three minutes of concluding an opening or reopening rotation of an options class and provides that options specialists may only disengage Auto-X under extraordinary circumstances with the prior approval of two Floor Officials.

The proposed rule change was published for comment in Securities Exchange Act Release No. 29324 (June 17, 1991), 56 FR 29303. No comments were received on the proposed rule change.

Currently, floor operations personnel activate Auto-X. Each specialist must contact the appropriate floor operations personnel in order to activate or deactivate Auto-X. Proposed OFPA A-13 will require that each options specialist engage Auto-X for an assigned option within three minutes of completing an opening or reopening rotation of that option. This three-minute period corresponds to the time when PHLX trading crowds are obligated to use the better of the trading crowd or the displayed market quote in providing ten-up markets.[4] In addition, under extraordinary circumstances and with the approval of two Floor Officials, OFPA A-13 provides that a specialist may be exempted from receiving orders through Auto-X under extraordinary circumstances, and that he may then disengage the system.

OFPA A-13 provides the following schedule of fines and sanctions for failure to engage Auto-X in accord with the OFPA: (1) A warning for the first occurrence; (2) fines in the amount of $100.00, $250.00, and $500.00, respectively, for the second, third and fourth occurrences; and (3) a sanction discretionary with the Business Conduct Committee ("BCC") for the fifth occurrence and subsequent violations.

[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b-4 (1990).

[3] AUTOM is an electronic system that allows delivery of small options orders from member firms directly to the PHLX trading floor and also provides automatic execution for certain options orders.

[4] See Securities Exchange Act Release No. 28722, 56 FR 28722 (December 28, 1990) (order approving SR-PHLX-89-57). OFPA A-11, as amended, provides that during the three-minute period following an opening rotation, the ten-up market guarantee will be based on the actual crowd market rather than on displayed or screen quotations, unless a quotation update has occurred.

OFPA A–13 also imposes a $500.00 fine for the first failure to disengage Auto-X without prior approval, and a sanction discretionary with the BCC for subsequent violations. The Exchange notes, however, that the warning and fine schedule will apply exclusively to inadvertent violations of OFPA A–13; a specialist's willful failure to engage Auto-X will be taken directly to the BCC for review.[5]

The PHLX believes that the proposed rule change will maximize floor-wide use of Auto-X, thereby extending its use to more PHLX member firms and customers and increasing the speed and efficiency of routing and executing orders on the Exchange.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6.[6] Specifically, the proposal will help the PHLX to provide an orderly market and to encourage small investor participation in the options markets by facilitating the use of Auto-X, an automated system which enhances the Exchange's ability to execute small public customer orders in a timely, accurate, and efficient manner. In addition, by requiring specialists to receive orders through Auto-X except under extraordinary circumstances, the proposal helps to ensure that PHLX specialists will continue to execute trades during adverse market conditions, thereby contributing to the depth and liquidity of the PHLX's markets.

In this regard, the Commission notes that in its study of the 1987 market break, the Division of Market Regulation ("Division") recommended that the Chicago Board Options Exchange ("CBOE") and the American Stock Exchange ("Amex") reconsider their rules governing market maker and Registered Options Trader ("ROT") participation in the exchanges' small order systems.[7] Specifically, the Division found that the CBOE's decision to release its market makers from their customary participation obligations, and the CBOE's and Amex's decisions to limit the availability of their execution systems to out-of-the money call series, "call[ed] into question the usefulness of these [small order execution] systems volatile markets and the commitment of each exchange to provide public customers with enhanced liquidity and trading efficiency on a continuous basis."[8] The Division recommended that the CBOE and the Amex place system participation obligations on their market makers.[9] In its report on the 1989 market break, the Division recommended, among other things, that the options exchanges develop guidelines governing market maker participation rates in their automatic execution systems to ensure adequate participation in the systems during periods of market stress.[10]

The PHLX's proposal is consistent with these recommendations. Specialists will be required to engage Auto-X, and will be exempted from this requirement only for extraordinary circumstances and with the prior approval of two Floor Officials. In this regard, merely increased volume or volatility should not, by themselves, constitute extraordinary circumstances. Thus, the PHLX proposal will help to ensure the availability of its options small order execution system.

Finally, the Commission believes that the fine schedule, together with the requirement that a specialist receive prior approval from two Floor Officials before disengaging Auto-X,[11] provide an effective framework to enforce compliance with the rule. Moreover, the Commission finds that it is reasonable for the PHLX to apply the OFPA's fine schedule only to inadvertent violations of OFPA–13 and to provide that willful violations of the OFPA will be brought directly to the Exchange's BCC.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[12] that the proposed rule change (SR–PHLX–91–16) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–20141 Filed 8–21–91; 8:45 am]

BILLING CODE 8010–01–M

[5] See letter from Lydia Gavalis, Staff Counsel, PHLX, to Yvonne Fraticelli, Staff Attorney, SEC, dated July 25, 1991.

[6] 15 U.S.C. 78(f) (1982).

[7] See Division of Market Regulation, The October 1987 Market Break (February 1988) ("Market Break Report"), at 8–22.

[8] See Market Break Report, *supra* note 7, at 8–22.

[9] See Market Break Report at 8–22, *supra* note 7.

[10] See 1990 Report at 90, *supra* note 10.

[11] In this regard, the Commission notes that it has approved a comparable Amex rule that penalizes Amex market makers for failure to sign on to the Amex's automatic execution system in the absence of extenuating personal circumstances approved by two Floor Governors. See Securities Exchange Act Release No. 22610 (November 8, 1985), 50 FR 47460 (order approving SR–Amex–85–29).

[12] 15 U.S.C. 78s(b)(2) (1982).

[13] 17 CFR 200.30–3(a)(12) (1990).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2505; Amendment #5]

Mississippi; Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended in accordance with an amendment dated August 5, 1991, to the President's major disaster declaration of May 17, to include Claiborne County in the State of Mississippi as a disaster area as a result of damages caused by severe storms, tornadoes, and flooding beginning on April 26 and continuing through May 31, 1991.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Copiah and Jefferson in State of Mississippi may be filed until the specified date at the previously designated location.

Any counties contiguous to the above-named primary counties and not listed herein have previously been named as contiguous or primary counties for the same occurrence.

As the termination date for filing applications for physical damage closed on July 15, 1991, prior to the Notice of Amendment cited above, the termination date for filing applications for physical damage for victims of the above-named counties will be September 4, 1991, 30 days from the date of the amendment. The termination date for filing applications for economic injury remains the close of business February 18, 1992.

The economic injury number is 731500 for Mississippi.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Date: August 12, 1991.

Alfred E. Judd,

Acting Assistant Administrator for Disaster Assistance.

[FR Doc. 91–20081 Filed 8–21–91; 8:45 am]

BILLING CODE 8025–01–M

[License No. 04/04–0247]

Sigma Capital Corp.; License Surrender

Notice is hereby given that Sigma Capital Corporation, 40 East 5th Street, suite 500, Boca Raton, Florida 33432, has surrendered its license to operate as a small business investment company under section 301(c) of the Small Business Investment Act of 1958, as amended (the Act). Sigma Capital Corporation was licensed by the Small

Business Administration on April 11, 1989.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the license was accepted on July 9, 1991, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 13, 1991.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 91-20080 Filed 8-21-91; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-0256]

Southeast SBIC, Inc.; Issuance of a Small Business Investment Company License

On December 6, 1990 a notice was published in the **Federal Register** (Vol. 55, No. 235 FR p. 50444) stating that an application has been filed by Southeast SBIC, Inc. with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing Small Business Investment Companies (13 CFR 107.102 (1990)) for a license as a Small Business Investment Company.

Interested parties were given until close of business Friday, December 21, 1990 to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 04/04-0256 on May 2, 1991, to Southeast SBIC, Inc. to operate as a Small Business Investment Company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 8, 1991.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 91-20082 Filed 8-21-91; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 1460]

United States Organization for the International Telegraph and Telephone Consultative Committee (CCITT) Study Group D Meeting

The Department of State announces that Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on October 7, 1991 at 10 a.m. in room 1107, at the Department of State, 2201 C Street, NW., Washington, DC 20520.

The purpose of the meeting will be to review U.S. contributions for the October meeting of Study Group XVII and to consider any other business within the scope of Study Group D.

The meeting will also consider proposals for the reorganization of Study Groups.

Members of the general public may attend the meeting and join in the discussions, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise the Office of Gary Fereno, Department of State, 202-647-2592 (fax 202-647-7407). The above includes government and non-government attendees. Notification should include Date of Birth and Social Security Number. All attendees must use the C Street entrance.

Dated: August 12, 1991.

Earl S. Barbely,

Director, Telecommunications and Information Standards, Chairman U.S. CCITT National Committee.

[FR Doc. 91-20104 Filed 8-21-91; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice 1461]

Shipping Coordinating Committee, Subcommittee on Safety of Navigation; Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 9:30 a.m. on Tuesday, September 10, 1991, in room 6244-48 at Department of Transportation Headquarters, 400 Seventh Street, SW., Washington, DC.

The purpose of the meeting is to prepare for the 37th session of the Subcommittee on Safety of Navigation of the International Maritime Organization (IMO) which is scheduled for September 23-27, 1991, at the IMO Headquarters in London.

Items of principal interest on the agenda (as revised by NAV 37/1/Rev. 1, 6 June 1991) are:

—Decisions of other IMO bodies.

—Routing of ships.

—Review of rules 23, 25, 26, and annex IV of the 1972 Collision Regulations.

—Navigational aids and related equipment:

1. World-wide navigation system.

2. Electronic chart display systems.

3. Guidelines on the use of transponders on ships for safety purposes.

4. Optimal methods of automatic radar plotting aids (ARPA) and radar display presentation.

5. International Telecommunications Union (ITU) matters, including International Radio Consultative Committee (CCIR) Study Group 8.

—Matters relating to fishing vessels:

1. Amendments to chapter X of the 1977 Torremolinos International Convention.

2. Fishing vessel watchkeeping requirements.

3. Marking of fishing gear.

—International Code of Signals.

—Officer of the navigational watch acting as the sole lookout in periods of darkness.

—Review of World Meteorological Organization (WMO) handbooks on navigation in areas affected by sea-ice.

—Revision of the navigational requirements in chapters 8, 13, 14, 16, 17, and annex 3 of the Code of safety for Dynamically Supported Craft.

—Guidelines on the recuitment, qualifications, and training of vessel traffic service (VTS) operators.

—Review of resolution A.578(14).

—Bridge procedures.

—Ship reporting in areas covered by VTSs.

—Amendment of Safety of Life at Sea Regulations (SOLAS) II-1/41 and V/19-1.

—World VTS guide.

—Revision of resolution A.672(16).

—Amendnents to SOLAS chapter V.

—Review of existing ship's safety standards.

—Safety standards for combined pusher tug-barges.

—Night signals on ships carrying dangerous goods.

—Work program.

—Election of Chairman and Vice-Chairman for 1992.

Members of the public may attend these meetings up to the seating capacity of the room. Interested persons may seek information by writing: Mr. Edward J. Larue, Jr., U.S. Coast Guard (G-NSR-3), room 1416, 2100 Second Street SW., Washington, DC 20593-0001 or by calling: (202) 267-0416.

Dated: August 7, 1991.

Geoffrey Ogden,

Chairman, Shipping Coordinating Committee.

[FR Doc. 91-20103 Filed 8-21-91; 8:45 am]

BILLING CODE 4710-7-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Applications of Air Cargo Hawaii Limited Partnership D/B/A Hawaii Pacific Air for Certificate Authority and for an Exemption

AGENCY: Department of Transportation.

ACTION: Notice of order to show cause (Order 91-8-32), Docket 47430 and Docket 47431.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Air Cargo Hawaii Limited Partnership d/b/a Hawaii Pacific Air fit, willing, and able, and awarding it a certificate of public convenience and necessity to engage in interstate and overseas air transportation of property and mail. The order also proposes to deny the applicant's request for a *pendente lite* exemption.

DATES: Persons wishing to file objections should do so no later than September 3, 1991.

ADDRESSES: Objections and answers to objections should be filed in Docket 47430 and addressed to the Documentary Services Division (C-55, room 4107), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Mrs. Janet A. Davis, Air Carrier Fitness Division, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-9721.

Dated: August 19, 1991.

Jeffrey N. Shane,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 91-20162 Filed 8-21-91; 8:45 am]

BILLING CODE 4910-62-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended July 26, 1991

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et seq.). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 43377.

Dated filed: July 22, 1991.

Due Date for answers, Conforming Applications, or Motion to Modify Scope: August 19, 1991.

Description: Amendment No. 2 to the Application of American Airlines, Inc. pursuant to section 401 of the Act and subpart Q of the Regulations, amends its application so as to add the Azores and Lisbon, Portugal, as intermediate points between Dallas/Ft. Worth/Miami and Spain.

Phyllis T. Kaylor,

Chief, Documentary Services Divisions.

[FR Doc. 91-20125 Filed 8-19-91; 12:50 pm]

BILLING CODE 4910-62-M

Office of Commercial Space Transportation

Environmental Impact Statement; Washington, DC

AGENCY: Office of Commercial Space Transportation (OCST), DOT.

ACTION: Notice of intent.

SUMMARY: OCST is issuing this notice to advise the public that a programmatic environmental impact statement (EIS) will be prepared on the commercial space reentry vehicle program.

FOR FURTHER INFORMATION CONTACT: Sharon D.W. Boddie, Chemical Engineer, Office of Commercial Space Transportation, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-4110.

SUPPLEMENTARY INFORMATION: OCST will prepare a programmatic EIS addressing the effects associated with the planned reentry of commercial vehicles from space. This EIS will build upon information in the Programmatic Environmental Assessment of Commercial Expendable Launch Vehicle Programs (February 1986), which addressed the environmental concerns associated with the launch of expendable launch vehicles.

Comments are being directly solicited from all appropriate Federal, State, and local agencies, and private organizations and citizens who have previously expressed or are known to have an interest in this proposal. No formal scoping meeting on the content of the EIS is currently planned. Parties interested in requesting that such a meeting be held should send this request to OCST at the address provided above by September 23, 1991. If sufficient interest is expressed a scoping meeting will be held. In addition, if sufficient interest is expressed, a public meeting will be held on the Draft Programmatic EIS. Public notice will be given of the time and place for the meeting. The draft EIS will be available for public and agency review and comment prior to the public meeting.

To ensure that the full range of issues related to this proposed programmatic action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties not later than September 2, 1991. Comments and questions concerning this action should be directed to OCST at the address provided above.

Issued in Washington, DC on August 16, 1991.

Stephanie E. Myers,

Director, Office of Commercial Space Transportation.

[FR Doc. 91-20164 Filed 8-21-91; 8:45 am]

BILLING CODE 4910-62-M

National Highway Traffic Safety Administration

[Docket No. 91-38; Notice 1]

Receipt of Petition for Determination that Nonconforming 1986 Mercedes-Benz 200D Passenger Cars are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for determination that nonconforming 1986 Mercedes-Benz 200D passenger cars are eligible for importation.

SUMMARY: This notice announces receipt of a petition by the National Highway Traffic Safety Administration (NHTSA) for a determination that a 1986 Mercedes-Benz 200D that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily modified to conform to the standards.

DATES: The closing date for comments on petition is September 23, 1990.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9:30 a.m. to 4 p.m.].

FOR FURTHER INFORMATION CONTACT: Ted Bayler, Office of Vehicle Safety Compliance, NHTSA [202–366–5306].

SUPPLEMENTARY INFORMATION:

Background

Under section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act), 15 U.S.C. 1397(c)(3)(A)(i), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States on and after January 31, 1990, unless NHTSA has determined that

"(I) the motor vehicle is * * * substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under section 114 (of the Act), and of the same model year * * * as the model of the motor vehicle to be compared, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards * * *."

Petitions for eligibility determinations may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA determines, on the basis of the petition and any comment that it has received, whether the vehicle is eligible for importation. The agency then publishes this determination in the Federal Register.

ICI International, Inc. of Orlando, Florida (Registered Importer No. R–90–003) has petitioned NHTSA to determine whether 1986 Mercedes-Benz 200D, Model ID 124.120 passenger cars are eligible for importation into the United States. The vehicle which ICI believes is substantially similar is the 1987 Mercedes-Benz 300E, Model ID 124.030, and it has submitted information indicating that Mercedes-Benz of North America offered the 1987 Mercedes-Benz 300E for sale in the United States. This model was manufactured by Daimler-Benz A.G. and was certified as conforming to all applicable Federal motor vehicle safety standards.

The petitioner stated that the 1986 Mercedes-Benz 200D is substantially similar to the 1987 model 300E because it appears to be equipped with the same body type, rims, lighting equipment, rearview mirrors, bumpers, controls and displays, glazing, reflecting surfaces, and wheel covers. Additionally, the petitioner notes that the two vehicles share a large number of the same components.

ICI International submitted information with its petition intended to demonstrate that the 1986 model 200D, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as the 1987 model 300E that was offered for sale in the United States, or is capable of being readily modified to conform to those standards.

Specifically, the petitioner claims that the 1986 model 200D is identical to the certified 1987 model 300E with respect to compliance with Standards Nos. 101 *Controls and Displays*, 102 *Transmission Shift Lever Sequence* * * *., 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic Brake Systems*, 106 *Brake Hoses*, 107 *Reflecting Surfaces*, 109 *New Pneumatic Tires*, 111 *Rearview Mirrors*, 113 *Hood Latch Systems*, 114 *Theft Protection*, 115 *Vehicle Identification Number*, 116 *Brake Fluids*, 118 *Power Window Systems*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 203 *Impact Protection for the Driver From the Steering Control System*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 208 *Occupant Crash Protection*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 211 *Wheel Nuts, Wheel Discs and Hubcaps*, 212 *Windshield Retention*, 216 *Roof Crush Resistance*, 219 *Windshild Zone Intrusion*, 301 *Fuel System Integrity*, and 302 *Flammability of Interior Materials*.

With respect to Standard No. 204 *Steering Control Rearward Displacement*, petitioner states that "steering control rearward displacement is not applicable in this vehicle," but does not explain its reason for this erroneous conclusion.

Petitioner also contends that the vehicle is capable of being readily modified to meet the following standards, in the summer indicated:

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* installation of two sealed-beam headlamps two red taillamps, two red stop lamps, two red reflectors, one white license plate lamp, one white back-up lamp, two rear, signal lamps, two front signal lamps, a four-way flasher warning system, two front amber/white parking lights, two red side reflectors, two amber front side reflectors, and a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims:* installation of a tire information placard.

Standard No. 214 *Side Door Strength:* installation of reinforcing beams.

Additionally, the petitioner states that the bumpers on the 1986 model 200D will be reinforced to comply with the Bumper Standard found in 49 CFR part 581.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the Federal Register pursuant to the authority indicated below.

Comment closing date: September 23, 1991.

Authority: 15 U.S.C. 1397(c)(3)(A)(i)(II) and (C)(iii); 49 CFR 593.8; delegation of authority at 49 CFR 1.50.

Issued on August 16, 1991.

William A. Boehly,

Associate Administrator, for Enforcement.

[FR Doc. 91–20132 Filed 8–21–91; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. 91–36; Notice 1]

Receipt of Petition for Determination that Nonconforming 1989 Mercedes-Benz 230TE Passenger Cars are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for determination that nonconforming 1989 Mercedes-Benz 230TE passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a determination that a 1989 Mercedes-Benz 230TE that was not originally manufactured to comply with

all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily modified to conform to the standards.

DATES: The closing date for comments on the petition is September 23, 1991.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9:30 a.m. to 4 p.m.].

FOR FURTHER INFORMATION CONTACT: Ted Bayler, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act), 15 U.S.C. 1397(c)(3)(A)(i), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the Untied States on and after January 31, 1990, unless NHTSA has determined that

"(I) the motor vehicle is * * * substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under section 114 [of the Act], and of the same model year * * * as the model of the motor vehicle to be compared, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards * * *"

Petitions for eligibility determinations may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA determines, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this determination in the **Federal Register**.

G&K Automotive Conversion, Inc. of Anaheim, California (Registered Importer No. R–90–007) has petitioned NHTSA to determine whether 1989 Mercedes-Benz 230TE, Model ID 124.083 passenger cars are eligible for importation into the United States. The vehicle which G&K believes is substantially similar is the 1989 Mercedes-Benz 300TE, Model ID 124.090, and it has submitted information indicating that Mercedes-Benz of North America offered the 1989 Mercedes-Benz 300TE for sale in the United States. This model was manufactured by Daimler-Benz A.G. and was certified as conforming to all applicable Federal motor vehicle safety standards.

The petitioner notes that the agency, on its own initiative, has already made a determination of substantial similarity covering 1989 Model 300TE vehicles that Daimler-Benz A.G. did not certify and offer for sale in the United States (55 FR 47418). It alleges that the 300TE and non-conforming 230TE model vehicles differ "mainly in engine size and minor options which go with it."

The petitioner stated that it had carefully compared the 230TE with the U.S.-companion model 300Te, and found that they were substantially similar with respect to most applicable Federal motor vehicle safety standards. The petitioner further observed that manufacturers generally design only a few basic body shells, which they equip with a wide array of engine-size and other options, and that many models such as the 230TE and the 300TE are structurally the same. The petitioner expressed the option that every model does not find its way into every market, however, owing to saleability considerations or changes in restrictions such as emission control requirements.

G&K submitted information with its petition intended to demonstrate that the 1989 model 230TE, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as the 1989 model 300TE that was offered for sale in the United States, or is capable of being readily modified to conform to those standards.

Specifically, the petitioner avers that the 1989 model 230TE is identical to the certified 1989 model 300TE with respect to compliance with Standards Nos. 102 *Transmission Shift Lever Sequence * * *, 103 Defrosting and Defogging Systems, 104 Windshield Wiping and Washing Systems, 105 Hydraulic Brake Systems, 106 Brake Hoses, 107 Reflecting Surfaces, 109 New Pneumatic Tires, 113 Hood Latch Systems, 116 Brake Fluids, 124 Accelerator Control Systems, 201 Occupant Protection in Interior Impact, 202 Head restraints, 203 Impact Protection for the Driver From the Steering Control System, 204 Steering Control Rearward Displacement 205 Glazing Materials, 206 Door Locks and Door Retention Components, 207 Seating Systems, 209 Seat Belt Assemblies, 210 Seat Belt Assembly Anchorages, 211 Wheel Nuts, Wheel Discs and Hubcaps, 212 Windshield Retention, 216 Roof Crush Resistance, 219 Windshield Zone Intrusion, and 302 Flammability of Interior Materials.*

Petitioner also argues that the vehicle is capable of being readily modified to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) Substitution of a lens marked "Brake" for a lens with an ECE symbol on the brake failure indicator lamp; (b) installation of a seat belt warning lamp; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.-model headlamp assemblies and front sidemarkers; (b) installation of U.S.-model taillamp assemblies which incorporate rear sidemarkers; (c) installation of a high mounted stop lamp.

Standard No. 1103 Tire Selection and Rims: installation of a tire information placard.

Standard No. 111 *Rearview Mirrors:* replacement of the passenger's outside rearview mirror, which is convex and does not bear the required warning statement.

Standard No. 114 *Theft Protection:* installation of a buzzer microswitch in the steering lock assembly, and a warning buzzer.

Standard No. 115 *Vehicle Identification Number:* installation of a VIN plate that can be read from the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 118 *Power Window Systems:* rewiring of the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 208 *Occupant Crash Protection:* installation of a passive restraint system and seat belt warning buzzer.

Standard No. 214 *Side Door Strength:* installation of reinforcing beams.

Standard No. 301 *Fuel System Integrity:* installation of a rollover valve in the fuel tank vent line between the fuel and the evaporative emissions collection cannister.

Additonally, the petitioner states that the bumpers on the 1989 model 230TE must be reinforced to comply with the Bumper Standard found in 49 CFR part 581.

Interested persons are invited to submit comments on the petition

described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5109, 400 Seventh Street, SW, Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: September 23, 1991.

Authority: 15 U.S.C. 1397(c)(3)(A)(i)(II) and (C)(iii); 49 CFR 593.8; delegation of authority at 49 CFR 1.50.

Issued on August 16, 1991.

William A. Boehly,

Associate Administrator for Enforcement.

[FR Doc. 91-20133 Filed 8-21-91; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: August 16, 1991.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511.

Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512-0474.
Form Number: None.
Type of Review: Extension.
Title: ATF Reporting Requirement 5130/5—Principal Place of Business on Beer Labels.
Description: ATF regulations permit domestic brewers who operate more than one brewery to show as their address on labels and kegs of beer, their "principal place of business." This option is in lieu of showing the actual place of production, or a listing of all of their breweries on the label.
Respondents: Businesses or other for-profit.
Estimated Number of Respondents: 230.
Estimated Burden Hours Per Response: 1 hour.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 1 hour.
Clearance Officer: Robert Masarsky (202) 566-7077, Bureau of Alcohol, Tobacco and Firearms, room 3200, 650 Massachusetts Avenue, NW., Washington, DC 20226.
OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 91-20106 Filed 8-21-91; 8:45 am]

BILLING CODE 4810-31-M

Public Information Collection Requirements Submitted to OMB for Review

Date: August 16, 1991.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer. Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0227.
Form Number: 6251.
Type of Review: Revision.
Title: Alternative Minimum Tax—Individuals.
Description: Form 6251 is used by individuals with adjustments, tax preference items, taxable income above certain exemption amounts, or certain credits. Form 6251 computes the alternative minimum tax which is added to regular tax. The information is needed to ensure the taxpayer is complying with the law.
Respondents: Individuals or households.
Estimated Number of Respondents: 107,106.
Estimated Burden Hours Per Response/Recordkeeping: Recordkeeping, 2 hours, 17 minutes. Learning about the law or the form, 1 hour, 10 minutes. Preparing the form, 1 hour, 23 minutes. Copying, assembling, and sending the form to IRS, 20 minutes.
Frequency of Response: Annually.
Estimated Total Recordkeeping/Reporting Burden: 554,809 hours.
Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 91-20107 Filed 8-21-91; 8:45 am]

BILLING CODE 4830-01-M

UNITED STATES INSTITUTE OF PEACE

Call for Applications; 1992 Solicited Grants

DATES: Applications must be received by January 1, 1992 to be considered in the current cycle. Announcements of awards will be made on about May 1, 1992.

ADDRESSES: United States Institute of Peace; 1550 M St., NW., suite 700; Washington, DC 20005-1708/

FOR FURTHER INFORMATION CONTACT: Solicited Grant Projects Hrach Gregorian (202) 429-3840.

SUPPLEMENTARY INFORMATION: The United States Institute of Peace announces the 1992 cycle of its Solicited Grant competition. This year's topics are: (1) Middle East—(a) the likely future course of political/social dynamics in the Arab world and in major Arab countries, (b) ways to enhance prospects for a peaceful settlement of the Arab-Israeli conflict, (c) potential and prospects for increased Turkish influence in Middle East political and economic affairs, including Arab-Israeli relations, (d) long-range security requirements in the Persian Gulf region, including the roles of Iran, Saudi Arabia, and other regional actors. (2) Arms Control—(a) export control administration and supplier cooperation in limiting weapons proliferation, (b) regional arms control, (c) international arms control. (3) Ethnicity and Conflict—(a) recurrent sources of violent ethnic conflict and steps that may be taken to ameliorate such conflict

by regional and international organizations, (b) the theoretical and practical meaning of self-determination and the role and desirability of self-determination or of varieties of regional or local autonomy in ameliorating conflict, (c) alternative legal approaches and systems of governance as well as policies on language, education, religion and culture, to promote ethnic accommodation. The Institute encourages applications from nonprofit organizations, official public institutions, and individuals. Detailed information and application material are available upon request.

Dated August 16, 1991.

Charles D. Smith,

General Counsel.

[FR Doc. 91-20168 Filed 8-21-91; 8:45 am]

BILLING CODE 3155-01-M

Sunshine Act Meetings

Federal Register
Vol. 56, No. 163
Thursday, August 22, 1991

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 56 F.R. 37952.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., Tuesday, August 27, 1991.

CHANGE IN THE MEETING: The Commodity Futures Trading Commission has added to the open meeting agenda the proposed revisions to Guideline No. 1 and final rules relating to Requirements for Option Contract Market Designation.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, Secretary of the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 91-20216 Filed 8-20-91; 10:00 am]

BILLING CODE 6351-01-M

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, August 27, 1991, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This Meeting Will Be Closed to the Public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. Sc 437g.
Audits conducted pursuant to 2 U.S.C. Sc 437g, Sc 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Thursday, August 29, 1991, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC. (Ninth Floor).

STATUS: This Meeting Will Be Open to the Public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes
Paul Simon for President—Final Audit Report
Advisory Opinion 1991-22: Mr. Douglas A. Kelly on behalf of Senator David Durenberger, Representative Jim Ramstad, Representative Vin Weber, and others
Advisory Opinion 1991-24: Mr. Arthur L. Herold and Frank M. Northam on behalf of the Credit Union National Association, Inc., and the Wisconsin Credit Union League
FY 1993 Budget Request (if necessary)
Administrative Matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Press Officer, Telephone: (202) 376-3155.

Delores Harris,

Administrative Assistant, Office of the Secretariat.

[FR Doc. 91-20319 Filed 8-20-91; 3:57 pm]

BILLING CODE 6715-01-M

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9:00 a.m., September 16, 1991.

PLACE: On board MV MISSISSIPPI at foot of Eighth Street, Cairo, IL.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report by president on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matter pertaining to the Flood Control, Mississippi River and Tributaries Project.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601-634-5766.

Rodger D. Harris,

Executive Assistant, Mississippi River Commission.

[FR Doc. 91-20198 Filed 8-20-91; 9:26 am]

BILLING CODE 3710-GX-M

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9:00 a.m., September 17, 1991.

PLACE: On board MV MISSISSIPPI at City Front, Memphis, TN.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report by president on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; and (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; and (3) District Commander's report on the Mississippi River and Tributaries Project in Memphis District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601-634-5766.

Rodger D. Harris,

Executive Assistant, Mississippi River Commission.

[FR Doc. 91-20199 Filed 8-20-91; 8:26 am]

BILLING CODE 3710-GX-M

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 3:30 p.m., September 18, 1991.

PLACE: On board MV MISSISSIPPI at City Front, Vicksburg, MS.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report by president on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; and (3) District Commander's report on the Mississippi River and Tributaries Project in Vicksburg District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601-634-5766.

Rodger D. Harris,

Executive Assistant, Mississippi River Commission.

[FR Doc. 91-20200 Filed 8-20-91; 9:26 am]

BILLING CODE 3710-GX-M

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9:00 a.m., September 20, 1991.

PLACE: On board MV MISSISSIPPI at City Front, Morgan City, LA.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; and (3) District Commander's report on the Mississippi River and Tributaries Project in New Orleans District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601–634–5766.

Rodger D. Harris,

Executive Assistant, Mississippi River Commission.

[FR Doc. 91–20201 Filed 8–20–91; 9:26 am]

BILLING CODE 3710–GX–M

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Previously Held Emergency Meeting

TIME AND DATE: 1:10 p.m., Monday, August 19, 1991.

PLACE: Filene Board Room, 7th Floor, 1776 G Street, N.W., Washington, DC 20456.

STATUS: Closed.

MATTERS CONSIDERED:

1. Administrative Action under Sections 206 and 307 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (9)(B).

2. Administrative Action under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (9)(B).

The Board voted unanimously that Agency business required that a meeting be held less than the usual seven days advance notice.

The Board voted unanimously to close the meeting under the exemptions listed above. Deputy General Counsel James Engel certified that the meeting could be closed under those exemptions.

FOR MORE INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (202) 682–9600.

Becky Baker,

Secretary of the Board.

[FR Doc. 91–20267 Filed 8–20–91; 1:13 pm]

BILLING CODE 7535–01–M

U.S. RAILROAD RETIREMENT BOARD

Notice of Public Meeting

Notice is hereby given that the Railroad Retirement Board will hold a meeting on August 28, 1991, 9:00 a.m., at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois, 60611. The agenda for this meeting follows:

Portion Open to the Public

(1) Backlog Review Task Force Report.
(2) Report of Tax Accounting Task Force.
(3) Litigation of Claudette Johnson and Related Cases.
(4) Bureau of Fiscal Operations and Bureau of Unemployment and Sickness Insurance Reorganization Proposals re Debt Collection.
(5) Pittsburgh District Office and Atlanta Regional Office Vacancies.
(6) Management Reorganization.
(7) Regulations—Parts 202 and 301, Employers Under the Railroad Retirement Act and Railroad Unemployment Insurance Act.
(8) Regulations—Part 203, Employees Under the Act.
(9) Regulations—Parts 209, 211 and 345, Railroad Employers Reports and Responsibilities; Creditable Railroad Compensation; Employers' Contributions and Contribution Reports.
(10) Regulations—Part 229, Social Security Overall Minimum.
(11) Regulations—Part 230, Reduction and Non-Payment of Annuities by Reason of Work.
(12) Regulations—Part 345, Employers' Contributions and Contribution Reports.

Portion Closed to the Public

(A) Appeal of Nonwaiver of Overpayment, Regina E. Norwood.
(B Appeal re Entitlement to Tier I Component of Annuity and Nonwaiver of Overpayment, Faye L. Honchell.
(C) Appeal re Computation of Annuity and Nonwaiver of Overpayment, Carmine K. Perry.

The person to contact for more information is Beatrice Ezerski, Secretary to the Board, COM No. 312–751–4920, FTS No. 386–4920.

Dated: August 19, 1991.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 91–20316 Filed 8–20–91; 3:57 pm]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [56 FR 37953, August 9, 1991].

STATUS: Open meeting.

PLACE: 450 Fifth Street NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: Tuesday, August 6, 1991.

CHANGE IN THE MEETING: Deletion.

The following item was not considered at an open meeting on Wednesday, August 14, 1991, at 10:00 a.m.:

Consideration of whether to adopt a new rule, Rule 3a–6 under the Investment Company Act of 1940 (the "Act"). The rule would provide an exception from the definition of "investment company" for foreign banks and foreign insurance companies for all purposes under the Act. Adoption of the rule would permit foreign banks, foreign insurance companies, and related entities such as finance subsidiaries and holding companies, to offer and sell their securities in the United States without registering as investment companies under the Act or seeking individual exemptions from the Act's requirements. For further information, please contact Ann M. Glickman at (202) 272–3042.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Edward Pittman at (202) 272–2400.

Dated: August 15, 1991.

Jonathan G. Katz,

Secretary.

[FR Doc. 91–20186 Filed 8–19–91; 4:18 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of August 19, 1991.

A closed meeting will be held on Wednesday, August 21, 1991, at 2:30 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Schapiro, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Wednesday, August 21, 1991, at 2:30 p.m., will be:

Regulatory matter regarding financial institutions.
Institution of injunctive actions.
Institution of administrative proceedings of an enforcement nature.
Formal orders of investigation.
Settlement of administrative proceeding of an enforcement nature.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jonathan Gottlieb at (202) 272–2200.

Dated: August 15, 1991.

Jonathan G. Katz,

Secretary.

[FR Doc. 91–20187 Filed 8–19–91; 4:18 pm]

BILLING CODE 8010–01–M

STATE JUSTICE INSTITUTE

TIME AND DATE:

9:00 a.m. to 5:00 p.m., September 6, 1991
9:00 a.m. to 5:00 p.m., September 7, 1991

PLACE: The Pfister Hotel, 424 East Wisconsin Avenue, Milwaukee, WI 53202.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Portions Open to the Public

A public forum (presentations by invitation only) Friday morning, September 6; discussion of program activities Friday afternoon; consideration of grant applications Saturday morning, September 7.

Portions Closed to the Public

Discussion of internal personnel issues.

CONTACT PERSON FOR MORE INFORMATION: David I. Tevelin, Executive Director, State Justice Institute, 1650 King Street, Suite 600, Alexandria, Virginia 22314, (703) 684–6100.

David I. Tevelin,

Executive Director.

[FR Doc. 91–20303 Filed 8–20–91; 3:57 pm]

BILLING CODE 6820–SC–M

Corrections

Federal Register
Vol. 56, No. 163
Thursday, August 22, 1991

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 90-147]

Importation of Ostriches and Other Ratites

Correction

In rule document 91-16544 beginning on page 31858, in the issue of Friday, July 12, 1991, make the following corrections:

§ 92.100 [Corrected]

1. On page 31865, in the third column, after "§ 92.100 Definitions." insert "* * * * *".

§ 92.101 [Corrected]

2. On the same page, in the same column, in § 92.101(b)(3)(i), in the third line, "ratites" was misspelled.

§ 92.104 [Corrected]

3. On page 31866, in the third column, in § 92.104(c)(10), in the first line, "that" should read "That".

§ 92.106 [Corrected]

4. On page 31867, in the 3rd column, in § 92.106(b)(1), in the 13th line, after "NY" insert ";".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

Correction

In notice document 91-17813 beginning on page 34186, in the issue of Friday, July 26, 1991, make the following correction:

On page 34187, in the first column, in the first complete paragraph, in the first line, the Docket Number should read "91-097."

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV-930-01-4212-13; N-54527]

Elko County, NV; Realty Action Exchange of Public Lands

Correction

In notice document 91-12553 beginning on page 24088, in the issue of Tuesday, May 28, 1991, make the following correction:

On page 24088, in the third column, in the land description, under "T. 39 N., R. 55 E.," in the first line, "NE¼SE¼," should read "NE¼SW¼,".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

[BPO-96-F]

Medicare Program; Changes Concerning Interest Rates Charged on Overpayments and Underpayments

Correction

In rule document 91-16292 beginning on page 31332 in the issue of Wednesday, July 10, 1991, make the following correction:

§ 405.376 [Corrected]

On page 31336, in the second column, in § 405.376(a), in the third line, after "the" insert "Act, and authority granted under". In the same line, after the first "and" remove "Act, and authority granted under".

BILLING CODE 1505-01-D

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 1521-91]

Certification of Central Address File System

Correction

In notice document 91-19187 beginning on page 38463 in the issue of Tuesday, August 13, 1991, make the following corrections:

1. On page 38464, in the first column, in the first complete paragraph, in the sixth line, after "Immigration" add "Review, upon notification by the alien or the Immigration".

2. On the same page, in the second column, in the last paragraph, in the fifth line, "February 13, 1991" should read "February 13, 1992".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 19

[Docket No. 91-9]

Uniform Rules of Practice and Procedure

Correction

In final rule document 91-18864 beginning on page 38024 in the issue of Friday, August 9, 1991, make the following corrections:

§ 19.5 [Corrected]

1. On page 38030, in the second column, in § 19.5(b)(6), in the first line "schedule" should read "scheduling".

§ 19.6 [Corrected]

2. On the same page, in the third column, in § 19.6(a)(3), in the second line "OCC, file" should read "OCC, shall file".

§ 19.17 [Corrected]

3. On page 38032, in the third column, in § 19.17, in the last line "default" was misspelled.

§ 19.190 [Corrected]

4. On page 38043, in the third column, under subpart K, the section number should read as set forth above.

BILLING CODE 1505-01-D

federal register

Thursday
August 22, 1991

Part II

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Parts 2, et al.
Federal Acquisition Circular 90-7; Final and Interim Rules and Notice of Availability

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Federal Acquisition Circular 90-7]

Federal Acquisition Regulation; Introduction of Miscellaneous Amendments

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Summary presentation of final and interim rules and technical amendments.

SUMMARY: This document serves to introduce and relate together the final and interim rule documents and technical amendments which follow and which comprises Federal Acquisition Circular (FAC) 90-7. The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are issuing FAC 90-7 to amend the Federal Acquisition Regulation (FAR) to implement changes in the following subject areas:

Item	Subject	FAR Case	DAR Case	Analyst
I	Threshold Requirements	90-51	89-400	Loeb.
II	Small Purchase Limitation (Interim)	91-19	90-306	Scott.
III	Prescription for Delivery Clauses	90-38	90-421	Loeb.
IV	Award Without Discussions (Interim)	91-29	90-302	Scott.
V	Commercial Pricing Certificate (Interim)	91-25	90-304	Olson.
VI	Set-Asides for Labor Surplus Area Concerns	90-19	90-431A	Scott.
VII	Nonavailability Exception to the Buy American Act	91-23	90-435	Parnell.
VIII	Indian-Owned Economic Enterprises (Interim)	91-28	88-342	Rosinski.
IX	Postretirement Benefits-Transition Costs (Interim)	91-42	91-005	Olson
X	Travel Costs	90-26	87-118	Olson.
XI	Screening of Contractor Inventory	91-21	89-053	Parnell
XII	Extraordinary Contractual Actions	91-22	90-044	Klein
XIII	Contract Security Classification Specification	91-33	91-712	O'Neill.
XIV	Technical Amendments			

DATES: For effective dates and comment dates see separate documents which follow.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW., room 4041, Washington, DC 20405.

Please cite FAC 90-7 and the FAR case number(s) in all correspondence related to this and the following documents.

FOR FURTHER INFORMATION CONTACT: The analyst whose name appears in relation to each FAR case or subject area. For general information, contact Ms. Beverly Fayson, FAR Secretariat, room 4037, GS Building, Washington, DC 20405, (202) 501-4755. Please cite FAC 90-7 and Far case number(s).

SUPPLEMENTARY INFORMATION: Federal Acquisition Circular 90-7 amends the Federal Acquisition Regulation as specified below:

Item I—Threshold Requirements (FAR Case 90-51)

The amendments to 2.201 and 3.404 revise the prescription for clauses 52.202-1 and 52.203-5, raise the threshold, and make other editorial changes.

Item II—Small Purchase Limitation (FAR Case 91-19)

FAR 5.101(a) and 5.205(d)(1) are amended to eliminate the requirement to synopsize contract actions between $10,000 and $25,000; 13.104(g) is revised to refer to 5.101(a)(2) for public display requirements; 19.702 and 19.708 are amended to refer to the small purchase limitation instead of $10,000. The clause at 52.219-8 is no longer applicable for small purchases.

Item III—Prescription for Delivery Clauses (FAR Case 90-38)

The prescription for the delivery clauses, 52.212-1, Time of Delivery, and 52.212-2, Desired and Required Time of Delivery, are revised to permit their use in all contract types, except for construction and architect-engineering contracts.

Item IV—Award Without Discussions (FAR Case 91-29)

Sections 14.201-9(e)(3), 15.406-5(c), and 15.605(e) have been amended to require that solicitations include all evaluation factors and any significant subfactors (including non-cost and non-price-related factors); 14.503-1(a)(4) has been amended to require that requests for technical proposals include all evaluation factors and any significant subfactors; 15.610(a) has been revised to indicate that, for DOD, NASA, and the Coast Guard, discussions are not required for an acquisition provided the intent to award without discussion is stated in the solicitation; 15.612(a)(4) has been revised to require that source selection plans include any significant subfactors that will be evaluated; 52.215-16 has been revised to add two alternate paragraphs for use by DOD, NASA, and the Coast Guard; the prescription at 15.407(d)(4) has been revised to reflect the alternates.

Item V—Commercial Pricing Certificate (FAR Case 91-25)

Section 15.813-1, 15.813-2, 15.813-3, 15.813-6, and 52.215-32 are amended to eliminate the requirements for application of commercial pricing certification policies to contracts awarded by DOD, NASA, and the Coast Guard.

Item VI—Set Asides for Labor Surplus Area Concerns (FAR Case 90-19)

FAR 20.201-2 is revised to restructure the paragraph and to remove the reference to material that has been deleted from the Defense Acquisition Regulation Supplement.

Item VII—Nonavailability Exception to the Buy American Act (FAR Case 91–23)

FAR 25.102(b) is revised to allow contracting officers to make determinations in certain circumstances when domestic materials and supplies are not available.

Item VIII—Indian-Owned Economic Enterprises (FAR Case 91–28)

FAR Subpart 26.1, Indian Incentive Program, and the clause at 52.226–1 are added to allow contractors to recover certain costs of subcontracting with Indian organizations and Indian-owned economic enterprises.

Item IX—Postretirement Benefits—Transition Costs (FAR Case 91–42)

A new paragraph (j)(3)(v) is added to FAR 31.205–6 to provide a rule on the allowability of increased pension costs which might result from a transfer of assets from a defined benefit pension fund to a postretirement benefit (PRB) fund. Without an advance agreement, any such increase in pension costs would be unallowable. Such transfers are currently unlikely, but could subsequently receive a more favorable tax status. The Government would want to have the same equitable share in the PRB fund as in the pension fund from which the assets were withdrawn. The contracting officer is allowed broad authority to reach an agreement to achieve that continuity of the Government's equitable share. However, if a contractor makes a transfer without reaching an agreement beforehand with the Government, the default procedure is to treat the transfer as a termination (partial) of the defined benefit pension plan. Such a termination would require a cash refund to the Government or a credit against Government payments due to the contractor.

The phrase "of the gross amount withdrawn" is added to the end of the first sentence in FAR 31.205–6(j)(4) to clarify that the Government's equitable share is of the assets taken from the fund before any taxes or other costs are considered, since those costs would not have been incurred but for the withdrawal.

A new paragraph (o)(4) is added to FAR 31.205–6 and the current (o)(4) is redesignated as (o)(5). The new paragraph places a limit on the allowable amount of PRB transition costs which may be recognized or amortized in a fiscal period. The limit is based on the amortization method described in the Financial Accounting Standards Board Statement No. 106.

Item X—Travel Costs (FAR Case 90–26)

FAR 31.205–46 is amended to clarify that appropriate downward adjustments from the Government's maximum per diem rates would normally be required on partial travel days, or on days when no lodging costs have been incurred, before such charges can be considered reasonable. However, contractors are not required to calculate these adjustments in accordance with Government travel regulations and may, instead, utilize their own travel policy procedures, so long as the result constitutes a reasonable charge.

Item XI—Screening of Contractor Inventory (FAR Case 91–21)

Sections 45.606–5, 45.608–1, 45.608–2, 45.608–5, and 45.608–8 of Subpart 45.6, Reporting, Redistribution, and Disposal of Contractor Inventory, are updated to conform with changes in the Federal Property Management Regulations (FPMR) and the Federal Information Resources Management Regulation (FIRMR).

Item XII—Extraordinary Contractual Actions (FAR Case 91–22)

This final rule amends the FAR by deleting the coverage in 50.103, Deviations, and placing the section in "reserve" status. Both Councils have determined that the coverage in subpart 1.4, Deviations to the FAR, provides adequate policies and procedures for authorizing deviations from the FAR.

Item XIII—Contract Security Classification Specification (FAR Case 91–33)

Section 53.303 is amended by replacing the January 1978 edition of DD Form 254 with the December 1990 edition.

Item XIV—Technical Amendments

Technical amendments have been made to FAR sections 2.101, 4.602(b), 5.202(a)(4), 7.306, 8.404(b), 8.703, 12.300, 12.302 and 12.303, 30.201–4(c)(1), 43.104(b), 52.202–1, 52.219–15, 52.225–13(c), 52.232–1, 52.236–21, 52.236–21(d), 52.246–2(i)(2), and 52.301 (clause entry 52.219–14) to update information, to correct grammatical errors, and to correct inaccuracies.

Looseleaf Edition

Looseleaf pages are published for part III of appendix A to part 30, which has been moved from the end of part 30 to the end of appenidix A; to correct the part heading at the top of page 31–29; and to correctly designate 31.205–38(g) as paragraph (f) on page 31–34.

Dated: July 24, 1991.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Federal Acquisition Circular

[Number 90–7]

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 90–7 is effective September 23, 1991, except for Items II, IV, V, VIII, and IX which are effective August 22, 1991.

Dated: July 25, 1991.

Richard H. Hopf III,

Associate Administrator for Acquisition Policy, General Services Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 90–7 is effective September 23, 1991, except for Items II, IV, V, VIII, and IX which are effective August 22, 1991.

Dated: July 31, 1991.

Eleanor R. Spector,

Director of Defense Procurement, Department of Defense.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 90–7 is effective September 23, 1991, except for Items II, IV, V, VIII, and IX which are effective August 22, 1991.

Dated: August 8, 1991.

Darleen A. Druyun,

Assistant Administrator for Procurement, National Aeronautics and Space Administration.

[FR Doc. 91–19696 Filed 8–21–91; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 2, 3, and 52

RIN 9000–AE20

[FAR Case 90–51; Item I]

Federal Acquisition Regulation; Threshold Requirements

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are revising (1) Federal Acquisition

Regulation (FAR) 2.201 to require the clause at FAR 52.202–1 in fixed-price research and development contracts in excess of the small purchase limitation in part 13; (2) FAR 3.404 to revise the prescription; and (3) the introductory language at FAR 52.202–1 and 52.203–5.

EFFECTIVE DATE: September 23, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Loeb at (202) 501–4547 in reference to this FAR case. For general information, contact Ms. Beverly Fayson, FAR Secretariat, room 4041, GS Building, Washington, DC 20405 (202) 501–4755. Please cite FAC 90–7, FAR case 90–51.

SUPPLEMENTARY INFORMATION:

A. Background

Threshold Requirements

This change results from a review of dollar thresholds in the FAR intended to ensure that no unnecessary requirements are being imposed on contractors. The threshold for application of the clause at 52.202–1 is being raised as a result.

B. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because it merely adds definitions to a larger group of contracts and removes a requirement from certain contracts for a contractor to make a representation when sealed bid procedures were used.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose recordkeeping information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 2, 3, and 52

Government procurement.

Dated: July 24, 1991.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR parts 2, 3, and 52 are amended as set forth below:

1. The authority citation for 48 CFR parts 2, 3, and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 2—DEFINITIONS OF WORDS AND TERMS

2. Section 2.201 is revised to read as follows:

2.201 Contract clause.

The contracting officer shall insert the clause at 52.202–1, Definitions, in solicitations and contracts except when the contract is not expected to exceed the small purchase limitation in Part 13. If the contract is for personal services, construction, architect-engineer services, or dismantling, demolition, or removal of improvements, the contracting officer shall use the clause with its Alternate I. Additional definitions may be included, *provided* they are consistent with the clause and the Federal Acquisition Regulation.

PART 3—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

3. Section 3.404 is amended by revising paragraph (b) to read as follows:

3.404 Solicitation provision and contract clause.

* * * * *

(b) The contracting officer shall insert the provision at 52.203–4, Contingent Fee Representation and Agreement, in solicitations, except when—

(1) The contract amount is not expected to exceed the limitation prescribed in 13.000;

(2) The solicitation is for personal services to be paid for on a time basis;

(3) The solicitation is for utility services, at rates regulated by Federal, State, or other regulatory bodies, from a public utility company that is the sole source;

(4) The award under the solicitation is to be made in a foreign country; or

(5) Any other Department of Defense contracts, individually or by class, have been designated by the Secretary for exception. Reports of such exceptions shall be filed promptly with the Administrator of the General Services Administration.

* * * * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

4. Sections 52.202–1 and 52.203–5 are amended by revising the introductory text of each section to read as follows:

52.202–1 Definitions.

As prescribed in subpart 2.2, insert the following clause:

* * * * *

52.203–5 Convenant against contingent fees.

As prescribed in 3.404(c), insert the following clause:

* * * * *

[FR Doc. 91–19697 Filed 8–21–91; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 5, 13, and 19

[FAR Case 91–19; Item II]

Federal Acquisition Regulation; Small Purchase Limitation

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comment.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed to the following changes to FAR Parts 5, 13, and 19: (1) In 5.101(a), the requirement to synopsize contract actions between $10,000 and $25,000, if there is not a reasonable expectation that at least two offers will be received, is eliminated. In 5.205(d)(1), the requirement to synopsize proposed architect-engineer contract actions for which the total fee is expected to be between $10,000 and $25,000, when there is not a reasonable expectation that at least two offers will be received, is eliminated; (2) section 13.104 is amended in paragraph (g) to refer to 5.101(a)(2) for public display requirements; (3) section 19.702 is changed to refer to the "small purchase limitation in 13.000" rather than "$10,000"; and (4) the dollar threshold in the prescription at 19.708 for use of the clause at 52.219–8, Utilization of Small Business Concerns and Small Disadvantaged Business Concerns, is changed from "$10,000" to "the small purchase limitation in 13.000."

DATES: *Effective Date:* August 22, 1991.

Comment Date: Comments should be submitted to the FAR Secretariat at the address shown below on or before October 21, 1991 to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to:

General Services Administration, FAR Secretariat (VRS), 18th & F Streets NW., room 4041, Washington, DC 20405.

Please cite FAR case 91–19 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: Ms. Shirley Scott at (202) 501–0168 in reference to this FAR case. For general information, contact Ms. Beverly Fayson, FAR Secretariat, room 4041, GS Building, Washington, DC 20405 (202) 501–4755. Please cite FAC 90–7, FAR case 91–19.

SUPPLEMENTARY INFORMATION:

A. Background

Small Purchase Limitation

These changes result from enactment of the FY 1991 Defense Authorization Act (Pub. L. 101–510) on November 5, 1990. Section 806 of that Act amended the Office of Federal Procurement Policy Act, the Small Business Act, the Federal Property and Administration Services Act of 1949, and 10 U.S.C. 2304(g) to provide a uniform small purchase threshold for governmentwide use. This interim rule is not a significant revision within the meaning of FAR 1.501–1.

B. Regulatory Flexibility Act

This interim rule is not expected to have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The interim rule provides a uniform small purchase threshold for Federal-wide use. Therefore, an Initial Regulatory Flexibility Analysis has not been performed. However, comments from small entities concerning the affected FAR subpart will also be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite 5 U.S.C. 610 (FAR case 91–19) in correspondence.

C. Paperwork Reduction Act

This rule does not impose any additional reporting or recordkeeping requirements which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

D. Determination to Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense (DOD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) to issue the regulations pertaining to the small purchase limitation as an interim rule. This action is necessary to provide a uniform small purchase threshold for governmentwide use.

List of Subjects in 48 CFR Parts 5, 13, and 19

Government procurement.

Dated: July 24, 1991.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR parts 5, 13, and 19 are amended as set forth below:

1. The authority citation for 48 CFR parts 5, 13, and 19 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 5—PUBLICIZING CONTRACT ACTIONS

2. Section 5.101 is amended by revising paragraph (a)(1) to read as follows:

5.101 Methods of disseminating information.

* * * * *

(a) * * *

(1) For contract actions expected to exceed the small purchase limitation in 13.000, by synopsizing in the Commerce Business Daily (CBD) (see section 5.201); and

* * * * *

3. Sections 5.205 is amended by revising paragraph (d)(1) to read as follows:

5.205 Special situations.

* * * * *

(d) * * *

(1) Except when exempted by 5.202, synopsize each proposed contract action for which the total fee (including phases and options) is expected to exceed the small purchase limitation in 13.000. Reference shall be made to the appropriate CBD Numbered Note.

* * * * *

PART 13—SMALL PURCHASE AND OTHER SIMPLIFIED PURCHASE PROCEDURES

4. Section 13.104 is amended by revising paragraph (g) to read as follows:

13.104 Procedures.

* * * * *

(g) For proposed purchases covered by this part, see 5.101(a)(2) for public display requirements.

* * * * *

PART 19—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

19.702 [Amended]

5. Section 19.702 is amended in the first sentence of the introductory paragraph by removing "$10,000" and inserting in its place "the small purchase limitation in 13.000".

19.708 [Amended]

6. Section 19.708 is amended in paragraph (a) by removing "$10,000" and inserting in its place "the small purchase limitation in 13.000".

[FR Doc. 91–19698 Filed 8–21–91; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 12 and 52

RIN 9000–AE10

[FAR Case 90–38; Item III]

Federal Acquisition Regulation; Prescription for Delivery Clauses

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed on a final rule to implement changes to 12.104(a) and the clauses at 52.212–1 and 52.212–2 by revising the prescription to allow the contracting officer to use both clauses for all contract or solicitation types, except for construction and architect-engineering procurements.

EFFECTIVE DATE: September 23, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Loeb at (202) 501–4547 in reference to this FAR case. For general information, contact Ms. Beverly Fayson, FAR Secretariat, room 4041, GS Building, Washington, DC 20405 (202) 501–4755. Please cite FAC 90–7, FAR case 90–38.

SUPPLEMENTARY INFORMATION:

A. Background

Prescription for Delivery Clauses

This change clarifies the prescription for the clause by allowing the contracting officer to apply FAR clauses 52.212–1 and 52.212–2 to all contract and solicitation types except construction and architect-engineering acquisitions, rather than restricting their use to solicitations and contracts for supplies and services.

B. Regulatory Flexibility Act

The rule does not constitute a significant FAR revision within the meaning of FAR 1.501 and Public Law 98–577 and publication for public comment is not required. Therefore, the Regulatory Flexibility Act does not apply.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose recordkeeping information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 12 and 52

Government procurement.

Dated: July 24, 1991.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR parts 12 and 52 are amended as set forth below:

1. The authority citation for 48 CFR parts 12 and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 12—CONTRACT DELIVERY OR PERFORMANCE

2. Section 12.104 is amended by revising the second sentence in paragraph (a)(1) and the first sentences in paragraphs (a)(2) and (3) to read as follows:

12.104 Contract clauses.

(a)(1) * * * The clauses and their alternates may be used in solicitations and contracts for other than construction and architect-engineering substantially as shown, or they may be changed or new clauses written.

(2) The contracting officer may insert in solicitations and contracts other than those for construction and architect-engineering, a clause substantially the same as the clause at 52.212–1, Time of Delivery, if the Government requires delivery by a particular time and the delivery schedule is to be based on the date of the contract. * * *

(3) The contracting officer may insert in solicitations and contracts other than those for construction and architect-engineering, a clause substantially the same as the clause at 52.212–2, Desired and Required Time of Delivery, if the Government desires delivery by a certain time but requires delivery by a specified later time, and the delivery schedule is to be based on the date of the contract. * * *

* * * * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 52.212–1 is amended by revising the introductory text to read as follows:

52.212–1 Time of delivery.

As prescribed in 12.104(a)(2), insert the following clause:

* * * * *

4. Section 52.212–2 is amended by revising the introductory text to read as follows:

52.212–2 Desired and required time of delivery.

As prescribed in 12.104(a)(3), insert the following clause:

* * * * *

[FR Doc. 91–19699 Filed 8–21–91; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 14, 15, and 52

[FAR Case 91–29; Item IV]

Federal Acquisition Regulation; Award Without Discussions

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comment.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed to amend parts 14, 15 and 52 of the FAR to require solicitations to state significant evaluation factors and subfactors (including non-cost and non-price factors) and to require DOD, NASA, and Coast Guard solicitations for competitive proposals to indicate whether award will be made with or without discussions with offerors. This interim rule implements section 802 of the Fiscal Year 1991 Defense Authorization Act.

DATES: *Effective Date:* August 22, 1991.

Comment Date: Comments should be submitted to the FAR Secretariat at the address shown below on or before October 21, 1991 to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to:

General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW., room 4041, Washington, DC 20405

Please cite FAC 90–7, FAR case 91–29, in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: Ms. Shirley Scott at (202) 501–0168 in reference to this FAR case. For general information, contact Ms. Beverly Fayson, FAR Secretariat, Room 4041, GS Building, Washington, DC 20405 (202) 501–4755. Please cite FAC 90–7, FAR case 91–29.

SUPPLEMENTARY INFORMATION:

A. Background

Award Without Discussions

These changes result from enactment of the Fiscal Year 1991 Defense Authorization Act (Pub. L. 101–510) on November 5, 1990. Section 802 of that Act amended 10 U.S.C. 2305 to require solicitations for competitive proposals to state whether the Government intends to make an award with or without discussions with offerors. The Act also requires that solicitations include a statement of significant evaluation factors and subfactors (including non-cost and non-price-related factors).

B. Regulatory Flexibility Act

This interim rule may result in a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because it requires DOD, NASA, and Coast Guard solicitations for competitive proposals to state whether an award will be made with or without discussions. This rule also requires solicitations to include a statement of significant evaluation factors and subfactors (including non-cost and non-price factors). Information currently available is insufficient to permit a determination as to the extent of economic impact. Therefore, an Initial Regulatory Flexibility Analysis (IRFA) has been prepared and will be provided to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the IRFA may be obtained from the FAR Secretariat. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected FAR subpart will also be considered in accordance with section 610 of the Act.

Such comments must be submitted separately and cite FAR case 91–29 (FAC 90–7) in correspondence.

C. Paperwork Reduction Act

This interim rule does not impose any additional reporting or recordkeeping requirements which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

D. Determination To Issue an Interim Rule

Pursuant to 41 U.S.C. 418b, urgent and compelling reasons exist to publish this case as an interim rule having a significant impact on the public, prior to affording the public an opportunity to comment.

Amendments made by section 802 of the Fiscal Year 1991 DOD Authorization Act to 10 U.S.C. 2305 are applicable to DOD, NASA, and Coast Guard solicitations issued after May 5, 1991. The amendments require that solicitations for competitive proposals must state whether the Government intends to award with or without discussions with offerors. This is a beneficial change for the Government because it will reduce the Procurement Administrative Lead Time by allowing contracting officers to award contracts to other than the lowest priced offeror without discussions. Finally, award without discussions will reduce the Government's overall acquisition costs by reducing contractor bid and proposal costs. Since the Government sometimes reimburses the contractor for these indirect costs, any reduction in the amount contractors are spending on developing revised proposals would be beneficial.

List of Subjects in 48 CFR Parts 14, 15, and 52

Government procurement.

Dated: July 24, 1991.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR parts 14, 15, and 52 are amended as set forth below:

1. The authority citation for 48 CFR parts 14, 15, and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 14—SEALED BIDDING

2. Section 14.201–9 is amended by revising paragraph (e)(3) to read as follows:

14.201–9 Simplified contract format.

* * * * *

(e) * * *

(3) *Evaluation factors for award.* Insert all evaluation factors and any significant subfactors for award.

* * * * *

3. Section 14.503–1 is amended by revising paragraph (a)(4) to read as follows:

14.503–1 Step one.

(a) * * *

(4) The evaluation criteria, to include all factors and any significant subfactors.

* * * * *

PART 15—CONTRACTING BY NEGOTIATION

15.406–5 [Amended]

4. Section 15.406–5 is amended in paragraph (c) by removing the words "price or cost," and inserting in their place "cost or price, cost or price-related factors, and non-cost or non-price-related factors,".

5. Section 15.407 is amended by revising paragraph (d)(4) to read as follows:

15.407 Solicitation provisions.

* * * * *

(d) * * *

(4) Insert in RFP's the provision at 52.215–16, Contract Award.

(i) Civilian agencies, other than the Coast Guard and the National Aeronautics and Space Administration, shall use the basic provision as stated.

(ii) If the RFP is for construction, the contracting officer shall use the provision with its Alternate I.

(iii) The Department of Defense, the Coast Guard, and the National Aeronautics and Space Administration shall use the basic provision with its Alternate II if the contracting officer intends that proposals will be evaluated with, and award made after, discussions with the offerors.

(iv) The Department of Defense, the Coast Guard, and the National Aeronautics and Space Administration shall use the basic provision with its Alternate III if the contracting officer intends that proposals will be evaluated, and award made, without discussion with offerors.

* * * * *

15.605 [Amended]

6. Section 15.605 is amended in the first sentence of paragraph (e) by removing the words "price or cost" and inserting in their place "cost or price, cost or price-related factors, and non-cost or non-price-related factors,".

7. Section 15.610 is amended in paragraph (a)(2) by removing the word "or"; in paragraph (a)(3) by removing the word "In" at the beginning of the sentence and inserting in its place "For civilian agencies other than the Coast Guard and the National Aeronautics and Space Administration, in"; by removing the period at the end of paragraph (a)(3)(ii) and inserting in its place "; or"; and by adding paragraph (a)(4) to read as follows:

15.610 Written or oral discussion.

(a) * * *

(4) For the Department of Defense, the Coast Guard, and the National Aeronautics and Space Administration, if the contracting officer determines that discussions are not necessary, provided the solicitation contains the provision at 52.215–16 with its Alternate III. Once the Government states its intent to award without discussions, the rationale for reversal of this decision shall be documented in the contract file.

* * * * *

15.612 [Amended]

8. Section 15.612(c)(4) is amended by adding the words "and any significant subfactors" after the word "factors".

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

9. Section 52.215–16 is amended in the run-in heading of Alternate I by revising the date to read "AUG 1991"; and the reference in the introductory text by revising the citation to read "15.407(d)(4)(ii); and by adding Alternates II and III to read as follows:

52.215–16 Contract award.

* * * * *

Alternate II (AUG 1991). As prescribed in 15.407(d)(4)(iii), substitute the following paragraph (c) for paragraph (c) of the basic provision:

(c) The Government intends to evaluate proposals and award a contract after written or oral discussions with all responsible offerors who submit proposals within the competitive range.

Alternate III (AUG 1991). As prescribed in 15.407(d)(4)(iv), substitute the following paragraph (c) for paragraph (c) of the basic provision:

(c) The Government intends to evaluate proposals and award a contract without discussions with offerors. Therefore, each initial offer should contain the offeror's best terms from a cost or price and technical standpoint. However, the Government reserves the right to conduct discussions

if later determined by the Contracting Officer to be necessary.

[FR Doc. 91-19700 Filed 8-21-91; 8:45 am]
BILLING CODE 6820-34-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 15 and 52

[FAR Case 91-25; Item V]

Federal Acquisition Regulation; Commercial Pricing Certificate

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comment.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have revised FAR 15.813 and the clause at 52.215-32 by removing the requirement for contractors under DOD, NASA, and Coast Guard contracts to certify that the price offered to the Government for parts or components does not exceed the lowest commercial price at which the contractor sold those parts to the public.

DATES: *Effective Date:* August 22, 1991.

Comment Date: Comments should be submitted to the FAR Secretariat at the address shown below on or before October 21, 1991, to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to:

General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW., room 4041, Washington, DC 20405

Please cite FAR case 91-25 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: For information pertaining to this case, contact, Mr. Jeremy Olson at (202) 501-3221. For general information, contact Ms. Beverly Fayson, FAR Secretariat, Room 4041, GS Building, Washington, DC 20405 (202) 510-4755. Please cite FAC 90-7, FAR case 91-25.

SUPPLEMENTARY INFORMATION:

A. Background

Commercial Pricing Certificate

Section 804 of the Fiscal Year 1991 DOD Authorization Act (Pub. L. 101-510) repealed 10 U.S.C. 2323, which required a certification from contractors that the price offered to the Government for parts or components does not exceed the lowest commercial price at which the offeror sold those parts to the public. The similar provision at 41 U.S.C. 253e (for civilian agencies) has not been repealed. Thus, the FAR revisions were made only for DOD, NASA, and the Coast Guard.

B. Regulatory Flexibility Act

DOD, GSA, and NASA certify that the interim rule in FAC 90-7 will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) because most contracts awarded to small entities are awarded on a full and open competitive, fixed-price basis and the commercial pricing certificate policies do not apply.

C. Paperwork Reduction Act

This rule impacts OMB Clearance 9000-0105. An estimated 90 percent reduction in the paperwork burden by the deletion of the certification requirement for DOD, NASA, and the Coast Guard is expected, with a reduction of approximately 2,700 certifications.

D. Decision To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense (DOD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) to issue the commercial pricing certificate regulations as an interim rule. This action is necessary because section 804 of the Fiscal Year 1991 Department of Defense Authorization Act (Pub. L. 101-510) repealed 10 U.S.C. 2323, which required contractors to certify that prices offered to the Government under DOD, NASA, or Coast Guard contracts are the lowest commercial price at which a sale was made to the general public. This change became effective upon enactment of section 804 on November 5, 1990.

It is determined that compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. However, pursuant to Public Law 98-577 and FAR 1.501, public comments received in response to this interim rule will be considered in formulating the final rule.

List of Subjects in 48 CFR Parts 15 and 52

Government procurement.

Dated: July 24, 1991.

Albert A. Vicchiolla,
Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR parts 15 and 52 are amended as set forth below:

1. The authority citation for 48 CFR parts 15 and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 15—CONTRACTING BY NEGOTIATION

2. Section 15.813-1 is amended by revising the second sentence and adding a third sentence to read as follows:

15.813-1 Scope and applicability.

* * * It implements 41 U.S.C. 253e. This section does not apply to the Department of Defense, the National Aeronautics and Space Administration, and the Coast Guard.

3. Section 15.813-2 is amended in paragraph (b) of the definition of "Lowest commercial price" by adding the word "or" after the semicolon; in paragraph (c) by removing "; and" and inserting a period in its place; by removing paragraph (d); and by revising the definition of "Part or component" to read as follows:

15.813-2 Definitions.

* * * * *

Part or component, as used in this section, means any individual part, component, subassembly, assembly, or subsystem integral to a major system, and other property which may be replaced during the service life of the system, and includes spare parts and replenishment spare parts, but does not include packaging or labeling associated with shipment or identification of a part or component.

15.813-3 [Amended]

4. Section 15.813-3 is amended in the second sentence by removing the words "and 10 U.S.C. 2323" and adding an "s" to the end of the word "require".

15.813-6 [Amended]

5. Section 15.813-6 is amended by removing paragraph (c), and redesignating paragraphs (d) through (g) as (c) through (f).

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

6. Section 52.215–32 is amended by removing in the heading of the clause the date "(JUL 1990)" and inserting in its place "(AUG 1991)"; by removing the word "section" in the first sentence of the introductory text of the definition "Lowest commercial price" and inserting in its place "clause"; by inserting the word "or" at the end of paragraph (a)(2); by removing at the end of paragraph (a)(3) "; and" and inserting a period (".") in its place; by removing paragraph (a)(4); and by revising the definition "Part or component" to read as follows:

52.215–32 Certification of commercial pricing for parts or components.

* * * * *

Part or component, as used in this clause, means any individual part, component, subassembly, assembly or subsystem integral to a major system, and other property which may be replaced during the service life of the system, and includes spare parts and replenishment spare parts, but does not include packaging or labeling associated with shipment or identification of a part or component.

* * * * *

[FR Doc. 91–19701 Filed 8–21–91; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 20

RIN 9000–AD91

[FAR Case 90–19; Item VI]

Federal Acquisition Regulation; Set-Asides for LSA Concerns

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are issuing Federal Acquisition Circular (FAC) 90–7 to revise the Federal Acquisition Regulation (FAR) at section 20.201–2 to restructure the paragraph and to remove the reference to the material which has been deleted from the Defense Federal Acquisition Regulation Supplement.

EFFECTIVE DATE: September 23, 1991.

FOR FURTHER INFORMATION CONTACT: Ms. Shirley Scott at (202) 501–0168 in reference to this FAR case. For general information, contact Ms. Beverly Fayson, FAR Secretariat, room 4041, GS Building, Washington, DC 20405 (202) 501–4755. Please cite FAC 90–7, FAR case 90–19.

SUPPLEMENTARY INFORMATION:

A. Regulatory Flexibility Act

Set-Asides for Labor Surplus Area Concerns

The final rule does not constitute a significant FAR revision within the meaning of FAR 1.501 and Public Law 98–577, and publication for public comment is not required. Therefore, the Regulatory Flexibility Act does not apply. However, comments from small entities concerning the affected FAR subpart will be considered in accordance with 5 U.S.C. 610 of the Act. Such comments must be submitted separately and cite FAR case 90–19 (FAC 90–7) in correspondence.

B. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because these final changes to the FAR do not impose recordkeeping information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501 *et seq.*

List of Subjects in 48 CFR Part 20

Government procurement.

Dated: July 24, 1991.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR part 20 is amended as set forth below:

1. The authority citation for 48 CFR part 20 continues to read as follows:

PART 20—LABOR SURPLUS AREA CONCERNS

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. Section 20.201–2 is revised to read as follows:

20.201–2 Department of Defense set-asides.

Department of Defense (DOD) contracts shall not be set-aside for LSA concerns except for contracts funded by Military Construction Appropriation Acts. This exemption results from 10 U.S.C. 2392, which precludes payment by DOD of a price differential in contracts awarded for purposes of relieving economic dislocations.

[FR Doc. 91–19702 Filed 8–21–91; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 25

[FAR Case 91–23; Item VII]

Federal Acquisition Regulation; Nonavailability Exception to the Buy American Act

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed on a final rule to revise Federal Acquisition Regulation (FAR) 25.102(b) to allow contracting officers to make nonavailability determinations in certain circumstances when domestic materials and supplies are not available. The intended effect is to give contracting officers the prerogative to make such determinations.

EFFECTIVE DATE: September 23, 1991.

FOR FURTHER INFORMATION CONTACT: Ms. Jeritta Parnell at (202) 501–4082 in reference to this FAR case. For general information, contact Ms. Beverly Fayson, FAR Secretariat, room 4041, GS Building, Washington, DC 20405 (202) 501–4755. Please cite FAC 90–7, FAR Case 91–23.

SUPPLEMENTARY INFORMATION: .

A. Background

Nonavailability Exception to the Buy American Act

These changes arose as a result of the Defense Management Review Regulatory Reform initiative. It was found that coverage contained in FAR supplements would be useful for all Federal contracting activities. Therefore, the Councils have revised coverage in the FAR to allow for contracting officers to make nonavailability determinations in certain circumstances when domestic materials and supplies are not available.

B. Regulatory Flexibility Act

The final rule does not constitute a significant FAR revision within the meaning of FAR 1.501 and Public Law

98–577 and publication for public comment is not required. Therefore, the Regulatory Flexibility Act does not apply. However, comments from small entities concerning the affected FAR subpart will be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite FAR case 91–23 (FAC 90–7) in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Public Law 96–511) does not apply because the final rule does not impose any reporting or recordkeeping requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 25

Government procurement.

Dated: July 24, 1991.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR part 25 is amended as set forth below:

1. The authority citation for 48 CFR part 25 continues to read as follows:

PART 25—FOREIGN ACQUISITION

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. Section 25.102 is amended by revising paragraph (b) to read as follows:

25.102 Policy.

* * * * *

(b) Unless agency regulation prescribes otherwise:

(1) The contracting officer may make a nonavailability determination under 25.102(a)(4) for an acquisition if—

(i) The acquisition was conducted by full and open competition;

(ii) The acquisition was synopsized under 5.201; and,

(iii) No offer for a domestic end product was received; or

(2) The head of the contracting activity or designee may make a nonavailability determination under 25.102(a)(4) for any circumstance other than that specified in paragraph (b)(1) of this section.

[FR Doc. 91–19703 Filed 8–21–91; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 26 and 52

[FAR Case 91–28; Item VIII]

Federal Acquisition Regulation; Indian-Owned Economic Enterprises

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comment.

SUMMARY: The Defense Acquisition Regulations Council and the Civilian Agency Acquisition Council are proposing new coverage as FAR Subpart 26.1, Indian Incentive Program, which will allow contractors to recover certain costs of subcontracting with Indian organizations and Indian-owned economic enterprises.

DATES: *Effective Date:* August 22, 1991.

Comment Date: Comments should be submitted to the FAR Secretariat at the address shown below on or before October 21, 1991 to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to:

General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW, room 4041, Washington, DC 20405.

Please cite FAC 90–7, FAR case 91–28, in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: Harry Rosinski at (202) 501–2839 in reference to this FAR case. For general information, contact Ms. Beverly Fayson, FAR Secretariat, room 4041, GS Building, Washington, DC 20405 (202) 501–4755. Please cite FAC 90–7, FAR case 91–28.

SUPPLEMENTARY INFORMATION:

Indian-Owned Economic Enterprises

A. Background

This rule is an implementation of section 7 of Public Law 100–442. Section 7 amends the Indian Financing Act of 1974 (25 U.S.C. 1544) by adding a new section 504 to encourage the use of Indian organizations and Indian-owned economic enterprises in subcontracting. The coverage at FAR Subpart 26.1 permits prime contractors to claim reimbursement of those costs of subcontracting with an Indian organization or enterprise which exceed the cost of acquiring the supplies or services from another source. Reimbursement is permitted up to 5 percent of the subcontract price.

B. Regulatory Flexibility Act

This addition to FAR part 26, concerning encouragement of Government contractors to use Indian organizations or Indian-owned economic enterprises as subcontractors, may have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule encourages contractors to use Indian firms by allowing the payment to prime contractors of up to 5 percent of the subcontract amount. This rule may result in award of subcontracts to Indian firms in preference to small businesses. However, the overall effect of this rule on small businesses may not be significant because the majority of Indian firms also are small businesses. An Initial Regulatory Flexibility Analysis (IRFA) has been prepared and will be provided to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the IRFA may be obtained from the FAR Secretariat. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected FAR subpart will also be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite 5 U.S.C. 610 (FAR Case 91–28) in correspondence.

C. Paperwork Reduction Act

This rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense (DOD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) to issue the Indian-Owned Economic Enterprises regulation as an interim rule. This action is necessary because DOD, GSA, and NASA have determined that compelling reasons exist to promulgate an interim rule without prior opportunity for public comment. Section 7 of Public Law 100–442 amended the Indian Financing Act of 1974 (25 U.S.C. 1544) by adding a section to encourage the use of Indian organizations and Indian-owned

economic enterprises in subcontracting. This interim rule will allow contractors to recover certain costs of subcontracting with Indian organizations and Indian-owned economic enterprises. However, pursuant to Public Law 98–577 and FAR 1.501, public comments received in response to this interim rule will be considered in formulating a final rule.

List of Subjects in 48 CFR Parts 26 and 52

Government procurement.

Dated: July 24, 1991.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR parts 26 and 52 are amended as set forth below:

1. Part 26 is revised to read as follows:

PART 26—OTHER SOCIOECONOMIC PROGRAMS

Subpart 26.1—Indian Incentive Program

Secs.
26.100 Scope of subpart.
26.101 Definitions.
26.102 Policy.
26.103 Procedures.
26.104 Contract clause.

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

Note: This part has been created to facilitate promulgation of additional FAR and agency level socioeconomic coverage which properly fall under FAR Subchapter D—Socioeconomic Programs, but neither implements nor supplements existing FAR Parts 19, 20, or 22 through 25.

Subpart 26.1—Indian Incentive Program

26.100 Scope of subpart.

This subpart implements 25 U.S.C. 1544, which provides an incentive to prime contractors that use Indian organizations and Indian-owned economic enterprises as subcontractors.

26.101 Definitions.

As used in this subpart—

Indian organization means the governing body of any Indian tribe (as defined by 25 U.S.C. 1452(c)) or entity established or recognized by the governing body of an Indian tribe for the purposes of 25 U.S.C., chapter 17.

Indian-owned economic enterprise means any Indian-owned (as determined by the Secretary of the Interior) commercial, industrial, or business activity established or organized for the purpose of profit, provided that Indian ownership shall constitute not less than 51 percent of the enterprise.

Interested party means a prime contractor or an actual or prospective offeror whose direct economic interest would be affected by the award of a subcontract or by the failure to award subcontract

26.102 Policy.

Indian organizations and Indian-owned economic enterprises shall have the maximum practicable opportunity to participate in performing contracts awarded by Federal agencies.

26.103 Procedures.

(a) Contracting officers and prime contractors, acting in good faith, may rely on the self-certification of an Indian organization or Indian-owned economic enterprise as to its eligibility, unless an interested party challenges its status or the contracting officer has independent reason to question that status.

(b) In the event of a challenge to the self-certification of a subcontractor, the contracting officer shall refer the matter to the Bureau of Indian Affairs (BIA), 1951 Constitution Avenue, NW, Washington, DC 20245. The BIA will determine the eligibility and notify the contracting officer.

(c) The BIA will acknowledge receipt of the request from the contracting officer within 5 working days. Within 15 additional working days, BIA will advise the contracting officer, in writing, of its determination.

(d) The contracting officer will notify the prime contractor upon receipt of a challenge.

(1) To be considered timely, a challenge shall—

(i) Be in writing;

(ii) Identify the basis for the challenge;

(iii) Provide detailed evidence supporting the claim; and

(iv) Be filed with and received by the contracting officer prior to award of the subcontract in question.

(2) If the notification of a challenge is received by the prime contractor prior to award, it shall withhold award of the subcontract pending the determination by BIA, unless the prime contractor determines, and the contracting officer agrees, that award must be made in order to permit timely performance of the prime contract.

(3) Challenges received after award of the subcontract shall be referred to BIA, but the BIA determination shall have prospective application only.

(e) If the BIA determination is not received within the prescribed time period, the contracting officer and the prime contractor may rely on the self-certification of the subcontractor.

26.104 Contract clause.

(a) Contracting officers in the Department of Defense shall insert the clause at 52.226–1, Utilization of Indian Organizations and Indian-Owned Economic Enterprises, in solicitations and contracts that contain the clause at 52.219–9, Small Business and Small Disadvantaged Business subcontracting Plan.

(b) Contracting officers in civilian agencies may insert the clause at 52.226–1, Utilization of Indian Organizations and Indian-Owned Economic Enterprises, in solicitations and contracts that contain the clause at 52.219–9, Small Business and Small Disadvantaged Business Subcontracting Plan, if—

(1) In the opinion of the contracting officer, subcontracting possibilities exist for Indian organizations or Indian-owned economic enterprises; and

(2) Funds are available for any increased costs as described in paragraph (c)(2) of the clause at 52.226–1.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

2. The authority citation for Part 52 continues to read as follows: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2473(c).

3. Section 52.226–1 is added to read as follows:

52.226–1 Utilization of Indian organizations and Indian-Owned economic enterprises.

As prescribed in 26.104, insert the following clause:

Utilization of Indian Organizations and Indian-Owned Economic Enterprises (Aug. 1991)

(a) This clause applies only if the contract includes a subcontracting plan incorporated under the terms of the clause entitled, Small Business and Small Disadvantaged Business Subcontracting Plan. It does not apply to contracts awarded based on a subcontracting plan submitted and approved under paragraph (g) of the clause at 52.219–9.

(b) *Definitions.* As used in this clause:

Indian organization means the governing body of any Indian tribe (as defined by 25 U.S.C. 1452(c)) or entity established or recognized by the governing body for the purposes of 25 U.S.C., chapter 17.

Indian-owned economic enterprise means any Indian-owned (as determined by the Secretary of the Interior) commercial, industrial, or business activity established or organized for the purpose of profit, provided that Indian ownership shall constitute not less than 51 percent of the enterprise.

(c) The Contractor agrees to use its best efforts to give Indian organizations and Indian-owned economic enterprises the (25

U.S.C. 1544) maximum practicable opportunity to participate in the subcontracts it awards to the fullest extent consistent with efficient performance of its contract.

(1) The Contractor may rely on the written representation of the Indian organization or Indian-owned economic enterprise.

(2) If the cost of subcontracting with an Indian organization or Indian-owned economic enterprise exceeds the cost of acquiring the supplies or services from a non-Indian source, the Contractor may request an adjustment to the following:

(i) The estimated cost of a cost-type contract;

(ii) The target cost of a cost-plus-incentive-fee prime contract;

(iii) The target cost and ceiling price of a fixed-price incentive prime contract; or

(iv) The price of a firm-fixed-price prime contract.

(3) The amount of the equitable adjustment to the prime contract shall be the lesser of—

(i) The difference between the estimated cost, target cost or firm-fixed-price included in the subcontract initially awarded to the Indian organization or enterprise and the corresponding estimated cost, target cost or firm-fixed-price which would have been included in a subcontract with the otherwise low, non-Indian offeror; or

(ii) Five percent of the estimated cost, target cost or firm-fixed-price included in the subcontract initially awarded to the Indian organization or enterprise.

(4) The Contractor has the burden of proving the amount claimed and must assert its request for an adjustment prior to completion of contract performance.

(d) The Contracting Officer shall decide the amount of the adjustment and modify the contract accordingly. The Contracting Officer's decision is final and not subject to the Disputes clause of this contract.

(End of clause)

[FR Doc. 91-19704 Filed 8-21-91; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 31

[FAR Case 91-42; Item IX]

Federal Acquisition Regulation; Postretirement Benefits—Transition Costs

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comment.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have prepared an interim rule concerning the treatment of costs for postretirement benefits other than pensions (PRB) which are attributable to employees' past service.

DATES: *Effective Date:* August 22, 1991.

Comment Date: Comments on the interim rule should be submitted to the FAR Secretariat at the address shown below on or before October 21, 1991 to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to:

General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW., room 4041, Washington, DC 20405.

Please cite FAC 90-7, FAR case 91-42, in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: Mr. Jeremy Olson at (202) 501-3221 in reference to this FAR case. For general information, contact Ms. Beverly Fayson, FAR Secretariat, room 4041, GS Building, Washington, DC 20405 (202) 501-4755. Please cite FAC 90-7, FAR case 91-42.

SUPPLEMENTARY INFORMATION:

A. Background

Postretirement Benefits—Transition Costs

Financial Accounting Standards Board (FASB) Statement No. 106, which was promulgated in December 1990, requires companies to begin to recognize the costs of retiree health and other postretirement benefits other than pensions (PRB) as they are earned instead of when paid, as was the practice previously. For financial accounting purposes, FASB Statement No. 106 permits companies either to take an immediate charge in the current year for PRB costs which are attributable to employees' past service (transition costs) or to amortize such costs over the average remaining service period of active plan participants.

In response to FASB Statement No. 106, a final rule was recently published in Federal Acquisition Circular 90-5 which established that contractor accruals for PRB costs must be funded to be allowable on Government contracts. This interim rule inserts a new subparagraph 31.205-6(o)(4) which limits the allowable amount of contractor PRB transition costs for any fiscal year to the amount which would be assigned to that year using the amortization method described in FASB Statement No. 106. In recognizing that some contractors with overfunded pension plans may wish to use these excess funds to fund the transition costs of their PRB plans, the interim rule also establishes a new subparagraph 31.205-6(j)(3)(v) which disallows any increase in pension costs resulting from such transfer, unless covered by an advance agreement.

B. Regulatory Flexibility Act

DOD, GSA, and NASA certify that the interim rule in FAC 90-7 will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) because most contracts awarded to small entities are awarded on a competitive, fixed-price basis and the cost principles do not apply.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Public Law 96-511) does not apply because the interim rule does not impose any recordkeeping requirements or information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense (DOD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) to issue this regulation as an interim rule. This action is necessary because FASB Statement No. 106 requires companies to comply with its provisions no later than their first fiscal year after December 15, 1992, and encourages earlier compliance. For some companies, the transition year could be as early as 1991. In any event, contractors are now choosing transition years and proposing costs, and it is essential that the Government promptly publish its intentions concerning the allowability and treatment of PRB transition costs under its contracts.

List of Subjects in 48 CFR Part 31

Government procurement.

Dated: July 24, 1991.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR part 31 is amended as set forth below:

1. The authority citation for 48 CFR part 31 continues to read as follows:

PART 31--CONTRACT COST PRINCIPLES AND PROCEDURES

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. Section 31.205–6 is amended by adding paragraph (j)(3)(v); by revising the first sentence of paragraph (j)(4); and by redesignating paragraph (o)(4) as (o)(5) and adding a new paragraph (o)(4) to read as follows:

31.205–6 Compensation for personal services.

* * * * *

(j)(3) * * *

* * * * *

(v) Increased pension costs resulting from the withdrawal of assets from a pension fund and transfer to another employee benefit plan fund are unallowable except to the extent authorized by an advance agreement. The advance agreement shall:

(A) State the amount of the Government's equitable share in the gross amount withdrawn; and

(B) Provide that the Government receive a credit equal to the amount of the Government's equitable share of the gross withdrawal. If a transfer is made without such an agreement, paragraph (j)(4) of this subsection will apply to the transfer as a constructive withdrawal and receipt of the funds by the contractor.

(4) *Termination of defined benefit pension plans.* When excess or surplus assets revert to the contractor as a result of termination of a defined benefit pension plan, or such assets are constructively received by it for any reason, the contractor shall make a refund or give a credit to the Government for its equitable share of the gross amount withdrawn. * * *

* * * * *

(o)(4) Costs of postretirement benefits attributable to past service ("transition obligation") as defined in Financial Accounting Standards Board Statement 106, paragraph 110, are allowable subject to the following limitation: The allowable amount of such costs assignable to a contractor fiscal year cannot exceed the amount of such costs which would be assigned to that contractor fiscal year under the delayed recognition methodology described in paragraphs 112 and 113 of Statement 106.

* * * * *

[FR Doc. 91–19705 Filed 8–21–91; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 31

RIN 9000–AD98

[FAR Case 90–26; Item X]

Federal Acquisition Regulation; Travel Costs

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed on a final rule amending FAR 31.205–46 to prevent the erroneous interpretation that the maximum allowable contractor per diem costs must be calculated in the same manner as the "lodgings-plus" method contained in the Federal Travel Regulations.

EFFECTIVE DATE: September 23, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Jeremy Olson at (202) 501–3221 in reference to this FAR case. For general information, contact Ms. Beverly Fayson, FAR Secretariat, room 4041, GS Building, Washington, DC 20405 (202) 501–4755. Please cite FAC 90–7, FAR case 90–26.

SUPPLEMENTARY INFORMATION:

A. Background

Travel Costs

A notice of a proposed rule to clarify the travel cost principle at FAR 31.205–46 was published in the **Federal Register** on June 13, 1990 (55 FR 24068). Public comments received were considered by both Councils and several changes were made in the development of the final rule. The purpose of this rule is to make it clear that while downward adjustments form the Government's maximum per diem rates are generally appropriate on partial travel days or on days when no lodging costs have been incurred, contractors are not required to calculate these adjustments in accordance with Government travel regulations. Contractors may instead utilize their own travel policy procedures, so long as the result constitutes a reasonable charge to the contract.

B. Regulatory Flexibility Act

DOD, GSA, and NASA certify that the final rule in FAC 90–7 will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5. U.S.C. 601, *et seq.*) because most contracts awarded to small entities are awarded on a competitive, fixed-price basis and the cost principles do not apply.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96–511) does not apply because the final rule does not impose any recordkeeping requirements or information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.* Under the current rules of the FAR, particularly the clauses at 52.215–2, "Audit–Negotiation," and 52.216–7, "Allowable Costs and Payment," offerors and contractors are required to maintain, and provide access to, records sufficient to permit the Government to determine the allowability and reasonableness of costs.

D. Public Comments

On June 13, 1990, a proposed rule was published in the **Federal Register** (55 FR 24068). Comments received from 18 individuals and organizations were considered by the Councils; several changes were made in the development of the final rule.

List of Subjects in 48 CFR Part 31

Government procurement.

Dated: July 24, 1991.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR part 31 is amended as set forth below:

1. The authority citation for 48 CFR part 31 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

2. Section 31.205–46 is amended in paragraph (a)(1) by removing the words "paragraphs (b) through (f) of" and inserting in their place "the limitations contained in"; by revising paragraph (a)(4); and adding paragraph (a)(6) to read as follows:

31.205–46 Travel costs.

(a) * * *

(4) Subparagraphs (a)(2) and (a)(3) of this subsection do not incorporate the regulations cited in subdivisions (a)(2)(i), (ii), and (iii) of this subsection in their entirety. Only the maximum per diem rates, the definitions of lodging, meals, and incidental expenses, and the regulatory coverage dealing with special or unusual situations are incorporated herein.

* * * * *

(6) The maximum per diem rates referenced in subparagraph (a)(2) of this subsection generally would not constitute a reasonable daily charge—

(i) When no lodging costs are incurred; and/or

(ii) On partial travel days (*e.g.*), day of departure and return).

Appropriate downward adjustments from the maximum per diem rates would normally be required under these circumstances. While these adjustments need not be calculated in accordance with the Federal Travel Regulations or Joint Travel Regulations, they must result in a reasonable charge.

* * * * *

[FR Doc. 91-19706 Filed 8-21-91; 8:45 am]
BILLING CODE 6820-34-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 45

[FAR Case 91-21; Item XI]

Federal Acquisition Regulation; Screening of Contractor Inventory

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed on a final rule to revise the Federal Acquisition Regulation (FAR) to update FAR subpart 45.6, Reporting, Redistribution, and Disposal of Contractor Inventory, to conform with changes to the Federal Property Management Regulations (FPMR) and the Federal Information Resource Management Regulation (FIRMR).

EFFECTIVE DATE: September 23, 1991.

FOR FURTHER INFORMATION CONTACT: For information pertaining to this case, contact Ms. Jeritta Parnell at (202) 501-4082. For general information, contact Ms. Beverly Fayson, FAR Secretariat, room 4041, GS Building, Washington, DC 20405 (202) 501-4755. Please cite FAC 90-7, FAR case 91-21.

SUPPLEMENTARY INFORMATION:

A. Background

Screening of Contractor Inventory

The General Services Administration, which has the management responsibility for its Federal Supply Service's program for excess personal property, has requested amendments to section 45.608 of the Federal Acquisition Regulation. The amendments to 45.608 are necessary to increase the threshold for screening of contractor inventory to be consistent with the Federal Property Management Regulations (FPMR).

B. Public Comments and Regulatory Flexibility Act

The final rule does not constitute a significant FAR revision within the meaning of FAR 1.501 and Public Law 98-577 and publication for public comment is not required. Therefore, the Regulatory Flexibility Act does not apply. However, comments from small entities concerning the affected FAR subpart will be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite FAC 90-7, FAR case 91-21, in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96-511) is inapplicable, since the amendments to FAR subpart 45.6 do not impose recordkeeping information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 45

Government procurement.

Dated: July 24, 1991.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR part 45 is amended as set forth below:

1. The authority citation for 48 CFR part 45 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 45—GOVERNMENT PROPERTY

45.606-5 [Amended]

2. Section 45.606-5 is amended in paragraph (c)(3)(iv) by removing the words "$500 or less." and inserting in their place "less than $1,000 ($500 for furniture)."; and in paragraph (c)(3)(v) by removing the words "more than $500," and inserting in their place "$1,000 or more ($500 for furniture),".

45.608-1 [Amended]

3. Section 45.608-1(b) is amended in the second column, first entry of Table 45-1 by removing the words "in excess of $500" and inserting in their place "valued at $1,000 or more ($500 for furniture)"; and in the second column, third entry, by removing the words "$500 or less" and inserting in their place "less than $1,000 ($500 for furniture)".

45.608-2 [Amended]

4. Section 45.608-2 is amended in paragraph (a) by removing the words "in excess of $500" and inserting in their place "of $1,000 or more ($500 for furniture)".

5. Section 45.608-5(d) is revised to read as follows:

45.608-5 Special items screening.

* * * * *

(d) *Procedures for automatic data processing equipment (ADPE).* See the FIRMR (41 CFR part 201-33).

* * * * *

6. Section 45.608-8(b) is amended by revising Item 5 to read as follows:

45.608-8 Report of excess personal property (SF 120).

* * * * *

(b) * * *

Item 5, To. Enter the name(s) address(es) and of the screening agencies or the GSA regional office serving the geographic area in which the property is located.

* * * * *

[FR Doc. 91-19707 Filed 8-21-91; 8:45 am]
BILLING CODE 6820-34-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 50

[FAR Case 91-22; Item XII]

Federal Acquisition Regulation; Extraordinary Contractual Actions

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have

agreed on a final rule to amend FAR subpart 50.1 by removing section 50.103, Deviations. FAR 50.103 is unnecessary because subpart 1.4 prescribes adequate policies and procedures for authorizing deviations from the FAR.

EFFECTIVE DATE: September 23, 1991.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Klein at (202) 501–3775 in reference to this FAR case. For general information, contact Ms. Beverly Fayson, FAR Secretariat, room 4041, GS Building, Washington, DC 20405 (202) 501–4755. Please cite FAC 90–7, FAR case 91–22.

SUPPLEMENTARY INFORMATION:

A. Background

Extraordinary Contractual Actions

This rule is being published as a final rule without prior publication as a proposed rule because it is not a significant revision within the meaning of FAR 1.501 and involves only internal agency operating procedures.

Under FAR 50.103, deviations to part 50 currently require, for the defense agencies, approval of the Secretary of Defense and for civilian agencies, approval of the agency head. FAR 50.101 already identifies the appropriate level of indemnification approval authorities within the Department of Defense and civilian agencies, and FAR subpart 1.4 prescribes adequate policies and procedures for authorizing deviations from the FAR.

B. Regulatory Flexibility Act

The final rule does not constitute a significant FAR revision within the meaning of FAR 1.501 and Public Law 98–577 and publication for public comment is not required. Therefore, the Regulatory Flexibility Act does not apply. However, comments from small entities concerning the affected FAR subpart will be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite FAR case 91–22, FAC 90–7.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96–511) does not apply because the final rule does not impose any recordkeeping requirements or information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 50

Government procurement.

Dated: July 24, 1991.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR part 50 is amended as set forth below:

1. The authority citation for 48 CFR part 50 continues to read as follows:

PART 50—EXTRAORDINARY CONTRACTUAL ACTIONS

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

50.103 [Removed and Reserved]

2. Section 50.103 is removed and reserved.

[FR Doc. 91–19708 Filed 8–21–91; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 53

[FAR Case 91–33; Item XIII]

Federal Acquisition Regulation; Contract Security Classification Specification

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed to replace the January 1978 version of DD Form 254, Department of Defense Contract Security Classification Specification, at 53.303–DD–254, with the December 1990 version. Revisions were made to the form to reflect the most current security procedures and regulations.

EFFECTIVE DATE: September 23, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Jack O'Neill at (202) 501–3856 in reference to this FAR case. For general information, contact Ms. Beverly Fayson, FAR Secretariat, room 4041, GS Building, Washington, DC 20405, (202) 501–4755. Please cite FAC 90–7, FAR case 91–33.

SUPPLEMENTARY INFORMATION:

A. Regulatory Flexibility Act

This rule does not constitute a significant FAR revision within the meaning of FAR 1.501 and Public Law 98–577 and publication for public comment is not required. Therefore, the Regulatory Flexibility Act does not apply. However, comments from small entities concerning the affected FAR subpart will be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite FAR case 91–33, FAC 90–7.

B. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose recordkeeping information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 53

Government procurement.

Dated: July 24, 1991.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR part 53 is amended as set forth below:

1. The authority citation for 48 CFR part 53 continues to read as follows:

PART 53—FORMS

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

53.303–DD–254 Department of Defense DD Form 254, Contract security Classification specification.

2. Section 53.303–DD–254 is amended by replacing the January 1978 edition of DD Form 254 with the December 1990 edition.

BILLING CODE 6820–34–M

DEPARTMENT OF DEFENSE
CONTRACT SECURITY CLASSIFICATION SPECIFICATION

(The requirements of the DoD Industrial Security Manual apply to all security aspects of this effort.)

1. CLEARANCE AND SAFEGUARDING
a. FACILITY CLEARANCE REQUIRED
b. LEVEL OF SAFEGUARDING REQUIRED

2. THIS SPECIFICATION IS FOR: *(X and complete as applicable)*
- [ ] a. PRIME CONTRACT NUMBER
- [ ] b. SUBCONTRACT NUMBER
- [ ] c. SOLICITATION OR OTHER NUMBER — Due Date *(YYMMDD)*

3. THIS SPECIFICATION IS: *(X and complete as applicable)*
- [ ] a. ORIGINAL *(Complete date in all cases)* — Date *(YYMMDD)*
- [ ] b. REVISED *(Supersedes all previous specs)* — Revision No. — Date *(YYMMDD)*
- [ ] c. FINAL *(Complete item 5 in all cases)* — Date *(YYMMDD)*

4. IS THIS A FOLLOW-ON CONTRACT? [ ] YES [ ] NO. If Yes, complete the following:

Classified material received or generated under _____ *(Preceding Contract Number)* is transferred to this follow-on contract.

5. IS THIS A FINAL DD FORM 254? [ ] YES [ ] NO. If Yes, complete the following:

In response to the contractor's request dated _____, retention of the identified classified material is authorized for the period of _____

6. CONTRACTOR *(Include Commercial and Government Entity (CAGE) Code)*

a. NAME, ADDRESS, AND ZIP CODE	b. CAGE CODE	c. COGNIZANT SECURITY OFFICE *(Name, Address, and Zip Code)*

7. SUBCONTRACTOR

a. NAME, ADDRESS, AND ZIP CODE	b. CAGE CODE	c. COGNIZANT SECURITY OFFICE *(Name, Address, and Zip Code)*

8. ACTUAL PERFORMANCE

a. LOCATION	b. CAGE CODE	c. COGNIZANT SECURITY OFFICE *(Name, Address, and Zip Code)*

9. GENERAL IDENTIFICATION OF THIS PROCUREMENT

10. THIS CONTRACT WILL REQUIRE ACCESS TO:	YES	NO	11. IN PERFORMING THIS CONTRACT, THE CONTRACTOR WILL:	YES	NO
a. COMMUNICATIONS SECURITY (COMSEC) INFORMATION			a. HAVE ACCESS TO CLASSIFIED INFORMATION ONLY AT ANOTHER CONTRACTOR'S FACILITY OR A GOVERNMENT ACTIVITY		
b. RESTRICTED DATA			b. RECEIVE CLASSIFIED DOCUMENTS ONLY		
c. CRITICAL NUCLEAR WEAPON DESIGN INFORMATION			c. RECEIVE AND GENERATE CLASSIFIED MATERIAL		
d. FORMERLY RESTRICTED DATA			d. FABRICATE, MODIFY, OR STORE CLASSIFIED HARDWARE		
e. INTELLIGENCE INFORMATION:			e. PERFORM SERVICES ONLY		
(1) Sensitive Compartmented Information (SCI)			f. HAVE ACCESS TO U.S. CLASSIFIED INFORMATION OUTSIDE THE U.S., PUERTO RICO, U.S. POSSESSIONS AND TRUST TERRITORIES		
(2) Non-SCI			g. BE AUTHORIZED TO USE THE SERVICES OF DEFENSE TECHNICAL INFORMATION CENTER (DTIC) OR OTHER SECONDARY DISTRIBUTION CENTER		
f. SPECIAL ACCESS INFORMATION			h. REQUIRE A COMSEC ACCOUNT		
g. NATO INFORMATION			i. HAVE TEMPEST REQUIREMENTS		
h. FOREIGN GOVERNMENT INFORMATION			j. HAVE OPERATIONS SECURITY (OPSEC) REQUIREMENTS		
i. LIMITED DISSEMINATION INFORMATION			k. BE AUTHORIZED TO USE THE DEFENSE COURIER SERVICE		
j. FOR OFFICIAL USE ONLY INFORMATION			l. OTHER *(Specify)*		
k. OTHER *(Specify)*					

DD Form 254, DEC 90 *Previous editions are obsolete.* 805-340

12. PUBLIC RELEASE. Any information *(classified or unclassified)* pertaining to this contract shall not be released for public dissemination except as provided by the Industrial Security Manual or unless it has been approved for public release by appropriate U.S. Government authority. Proposed public releases shall be submitted for approval prior to release

☐ Direct ☐ Through *(Specify)*:

to the Directorate for Freedom of Information and Security Review, Office of the Assistant Secretary of Defense (Public Affairs)* for review
* In the case of non-DoD User Agencies, requests for disclosure shall be submitted to that agency.

13. SECURITY GUIDANCE. The security classification guidance needed for this classified effort is identified below. If any difficulty is encountered in applying this guidance or if any other contributing factor indicates a need for changes in this guidance, the contractor is authorized and encouraged to provide recommended changes; to challenge the guidance or the classification assigned to any information or material furnished or generated under this contract; and to submit any questions for interpretation of this guidance to the official identified below. Pending final decision, the information involved shall be handled and protected at the highest level of classification assigned or recommended. *(Fill in as appropriate for the classified effort. Attach, or forward under separate correspondence, any documents/guides/extracts referenced herein. Add additional pages as needed to provide complete guidance.)*

14. ADDITIONAL SECURITY REQUIREMENTS. Requirements, in addition to ISM requirements, are established for this contract. *(If Yes, identify the pertinent contractual clauses in the contract document itself, or provide an appropriate statement which identifies the additional requirements. Provide a copy of the requirements to the cognizant security office. Use Item 13 if additional space is needed.)* ☐ Yes ☐ No

15. INSPECTIONS. Elements of this contract are outside the inspection responsibility of the cognizant security office *(If Yes, explain and identify specific areas or elements carved out and the activity responsible for inspections. Use Item 13 if additional space is needed.)* ☐ Yes ☐ No

16. CERTIFICATION AND SIGNATURE. Security requirements stated herein are complete and adequate for safeguarding the classified information to be released or generated under this classified effort. All questions shall be referred to the official named below.

a. TYPED NAME OF CERTIFYING OFFICIAL	b. TITLE	c. TELEPHONE *(Include Area Code)*

d. ADDRESS *(Include Zip Code)*	17. REQUIRED DISTRIBUTION
	☐ a. CONTRACTOR
	☐ b. SUBCONTRACTOR
	☐ c. COGNIZANT SECURITY OFFICE FOR PRIME AND SUBCONTRACTOR
e. SIGNATURE	☐ d. U.S. ACTIVITY RESPONSIBLE FOR OVERSEAS SECURITY ADMINISTRATION
	☐ e. ADMINISTRATIVE CONTRACTING OFFICER
	☐ f. OTHERS AS NECESSARY

DD Form 254 Reverse, DEC 90

[FR Doc. 91–19709 Filed 8–21–91; 8:45 am]
BILLING CODE 6820–34–C

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 2, 4, 5, 7, 8, 12, 30, 43, and 52

[Federal Acquisition Circular 90-7; Item XIV]

Federal Acquisition Regulation; Technical Amendments

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Technical amendments.

SUMMARY: Technical amendments have been made to FAR sections 2.101, 4.602(b), 5.202(a)(4), 7.306, 8.404(b), 8.703, 12.300, 12.302 and 12.303, 30.201-4(c)(1), 43.104(b), 52.202-1, 52.219-15, 52.225-13(c), 52.232-1, 52.236-21, 52.236-21(d), 52.246-2(i)(2), and 52.301 (clause entry 52.219-14) to update information, to correct grammatical errors, and to correct inaccuracies.

Looseleaf Edition

Looseleaf pages are published for part III of appendix A to part 30, which has been moved from the end of part 30 to the end of appendix A; to correct the part heading at the top of page 31-29; and to correctly designate 31.205-38(g) as paragraph (f) on page 31-34.

EFFECTIVE DATE: September 23, 1991.

FOR FURTHER INFORMATION CONTACT: Ms. Beverly Fayson, FAR Secretariat, room 4037, GS Building, Washington, DC 20405, (202) 501-4755. Please cite FAC 90-7.

Dated: July 24, 1991.

Albert A. Vicchiolla,
Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR parts 2, 4, 5, 7, 8, 12, 30, 43, and 52 are amended as set forth in the technical amendments appearing below:

1. The authority citation for 48 CFR parts 2, 4, 5, 7, 8, 12, 30, 43, and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2.101 [Technical amendment]

2. Section 2.101 is amended by removing in the definition of "Head of the agency" the words "and, for the Department of Defense, the Under Secretary and any Assistant Secretary of the Departments of the Army, Navy, and Air Force and the Director and Deputy Director of Defense agencies".

3. Section 4.602 is amended by revising the second sentence of paragraph (b) to read as follows:

4.602 Federal procurement data system.

* * * * *

(b) * * * This manual (available at no charge from the General Services Administration, Federal Procurement Data Center, 7th & D Streets SW., room 5652, Washington, DC 20407, telephone (202) 401-1529, FTS 441-1529, FAX (202) 401-1546) provides the necessary instruction to the data collection point in each agency as to what data are required and how often to provide the data.

* * * * *

5.202 [Technical amendment]

4. Section 5.202 is amended in paragraph (a)(4) by removing the reference "5.205(e)" and inserting in its place "5.205(f)".

7.306 [Technical amendment]

5. Section 7.306 is amended in the introductory text by adding an "s" to the end of the word "differ".

8.404 [Technical amendment]

6. Section 8.404 is amended in paragraph (b) by removing the acronym "FIRMR" and replacing it with "FPMR".

7. Section 8.703 is amended by revising the second sentence of paragraph (a) to read as follows:

8.703 Procurement list.

(a) * * * Copies of the Procurement List may be obtained by submitting GSA Form 457 to the General Services Administration, Centralized Mailing List Service (7CAIL), P.O. Box 17077, 819 Taylor Street, Fort Worth, TX 76102-0077. * * *

* * * * *

12.300, 12.302, and 12.303 [Technical amendments]

8. In the list below, for each section indicated in the left column, remove the citation indicated in the middle column from wherever it appears in the section, and add the citation indicated in the right column:

Section	Remove	Add
12.300	15 CFR 350.	15 CFR 700
12.302(c)	15 CFR 350.55.	15 CFR 700.55
12.302(e)	15 CFR 350.70.	15 CFR 700.70
12.302(e)	15 CFR 350.74.	15 CFR 700.74
12.303(c) introductory text.	15 CFR 350.12.	15 CFR 700.12
12.303(d)(1)	15 CFR 350.13(b).	15 CFR 700.13(b)
12.303(d)(1)	15 CFR 350.13(c).	15 CFR 700.13(c)
12.303(d)(2)	15 CFR 350.15.	15 CFR 700.15
12.303(d)(3)	15 CFR 350.14.	15 CFR 700.14
12.303(g)	15 CFR 350.50-55.	15 CFR 700.50-55

30.201-4 [Technical amendment]

9. Section 30.201-4 is amended in paragraph (c)(1) by removing the word "that" and inserting in its place "than".

43.104 [Technical amendment]

10. Section 43.104 is amended in the introductory text of paragraph (b) by removing the reference "43.106" and inserting in its place "43.107".

52.202-1 [Technical amendment]

11. Section 52.202-1 is amended in paragraph (a) of the clause by removing the words "and, in the Department of Defense, the Under Secretary and any Assistant Secretary of the Departments of the Army, Navy, and Air Force and the Director and Deputy Director of Defense agencies".

52.219-15 [Technical amendment]

12. Section 52.219-15 is amended in the clause title by removing the words "(JUN 1989)" and inserting in their place "(APR 1991)"; and in paragraph (a)(3), in the definition of "Public or private organization for the handicapped", by adding the word "which" before the word "employs".

52.225-13 [Technical amendment]

13. Section 52.225-13 is amended in paragraph (c) by removing the comma after the word "Persons".

52.232-1 [Technical amendment]

14. Section 52.232-1 is amended in the introductory text by adding the word "supply" after the first use of the term "fixed-price".

52.236-21 [Technical amendment]

15. Section 52.236-21 is amended in the introductory text by removing the reference "36.520" and inserting in its place "36.521"; and in paragraph (d) of the clause by adding the word "or" after the first use of the word "subcontractor,".

52.246-2 [Technical amendment]

16. Section 52.246-2 is amended in the first sentence of paragraph (i)(2) of the clause by adding " 's" to the first use of the word "Government".

52.301 [Technical amendment]

17. Section 52.301 is amended in the first column of the Table at entry 52.219-14 by removing the reference "19.811(e)" and inserting in its place "19.811-3(e)".

[FR Doc. 91-19710 Filed 8-21-91; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

FAR/FIRMR on CD-ROM Available Through the Superintendent of Documents

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of availability.

SUMMARY: The texts of the Federal Acquisition Regulation (FAR) and the Federal Information Resources Management Regulation (FIRMR) are available on an electronic medium—Compact Disc-Read Only Memory (CD-ROM). These texts will be updated quarterly. The disc is available for purchase from the Superintendent of Documents on an annual subscription basis for $106.

ADDRESSES: To order FAR/FIRMR CD-ROM, reference "List ID GSAFF", and send prepayment to: Superintendent of Documents, Department 36-JR, Washington, DC 20402-9325. To order with VISA or Master Card, phone (202) 783-3238.

FOR FURTHER INFORMATION CONTACT: For the FAR, contact Mr. G. Doyle Dodge, Office of Federal Acquisition Policy, GSA, 18th & F Streets, NW., room 4037, Washington, DC 20405, telephone (202) 501-2801 or FTS 8-241-2801.

For the FIRMR, contact Mr. Donald Chiarella, IRMS Regulations Branch, GSA, 18th & F Streets, NW., room 3224, Washington, DC, 20405, telephone (202) 501-3194 or FTS 8-241-3194.

SUPPLEMENTARY INFORMATION:

System Requirements

The following minimum configuration is needed to use this CD-ROM disc:

1. An IBM PC/XT/AT or compatible with 256KB RAM.
2. MS-DOS version 3.1 or later.
3. CD-ROM drive with MS-DOS extensions capable of reading ISO 9660 format.

Benefits of CD-ROM

The CD-ROM contains built-in indexing and retrieval programs that enable users to locate information easily and quickly. If desired, small or large sections of information can be transferred to a computer disc; however, the indexing and retrieval program cannot be transferred.

Each new quarterly disc will incorporate the latest changes reflected in the FIRMR Transmittal Circulars and Federal Acquisition Circulars. Also, other information resources management and acquisition regulation publications will be included on future discs. For example, the second edition of the CD-ROM has five new publications, including the Federal ADP and Telecommunications Standards Index and two IRM Acquisition Guides.

Dated: August 8, 1991.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

[FR Doc. 91-19711 Filed 8-21-91; 8:45 am]

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Reader Aids

Federal Register

Vol. 56, No. 163

Thursday, August 22, 1991

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-3447

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Data base and machine readable specifications	523-3408
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the hearing impaired	523-5229

FEDERAL REGISTER PAGES AND DATES, AUGUST

CFR PARTS AFFECTED DURING AUGUST

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

30 ..... 40664, 40757
31 40757
34 40757
39 40757
40 ..... 40664, 40757
50 ..... 40178, 40664
52 37828
60 40664
61 40664
70 ..... 40664, 40757
71 37828
72 40664
73 41448
110 ..... 38335, 40664
150 40664
170 37828
171 37828

Proposed Rules:
Ch. I 41633
50 41493
1049 36743
1705 38089

11 CFR

Proposed Rules:
114 41496

12 CFR

19 ..... 38024, 41726
32 37272
225 38048
262 38048
263 38048
308 37968
508 38302
509 38302
512 38302
513 38302
701 ..... 37276, 37828
741 37276
747 37762
1617 40484

Proposed Rules:
Ch. X 41022
356 37673
574 37162
922 37303
931 37303
932 37303

13 CFR

107 37459
108 41055
121 ..... 37276, 37648, 41057

Proposed Rules:
121 38364

14 CFR

21 ..... 37279, 41048
25 ..... 37279, 41635
27 41048
29 ..... 41048, 41635
33 41635
39 ..... 37139–37144, 37282, 37462–37470, 37649, 38337, 38338, 40494, 40770–40774, 41058, 41449
71 ..... 41059, 41060
73 37607
91 41048
93 41200
97 41060
107 41422
108 41422
158 37127
413 41062
415 41062

Proposed Rules:
21 36972–36976
36 36976
39 ..... 36747, 36748, 37167–37169, 37317–37320, 38090, 40278–40282, 40581, 40813
43 36976
71 ..... 38092, 40660, 40814, 41097, 41633, 41634
91 36976
141 36976
147 36976

15 CFR

19 41281
771 40494
773 40494
776 40494
778 40494
779 40494
799 40494
1160 41281
1170 41281

Proposed Rules:
801 37170
2301 ..... 38004, 38007

16 CFR

1500 37831

Proposed Rules:
Ch. I 37026
1700 38093

17 CFR

211 36999
231 36999
241 36999
270 38485

Proposed Rules:
1 ..... 37026, 38174
3 ..... 37026, 38174
150 37049
240 41635
270 41635

18 CFR

141 ..... 41450, 41453
271 37145
401 37954

Proposed Rules:
37 41098
284 38374

19 CFR

10 40776
18 40776
24 37838
125 40776
171 40776
172 40776
200 36725
356 37802

Proposed Rules:
4 40283

20 CFR

404 ..... 36932, 40780
416 ..... 36932, 41454

Proposed Rules:
655 37145

21 CFR

178 ..... 41455, 41456
310 37792
333 41008
500 40502
510 ..... 37472, 37473
520 37473
524 37473
558 37838
589 40502
878 36871
1301 ..... 36726, 36727

Proposed Rules:
101 40660
102 40660
206 41313
207 41313
314 41313
333 37622
357 38391
803 41314
888 37954

22 CFR

41 41068

Proposed Rules:
1007 37866

23 CFR

635 37000
1325 41394
1327 41394

24 CFR

201 36980
203 36980
234 36980
235 37147
888 37148
889 36728

Proposed Rules:
81 41022

25 CFR

Ch. III 40702

26 CFR

1 ..... 40245, 40507
31 40246
52 40246
54 40507
602 ..... 40245, 40507

Proposed Rules:
1 ..... 38391–38399, 40285, 40815–40842, 41102–41105, 41496
52 40286

27 CFR

24 38486

Proposed Rules:
9 ..... 37501, 40583
178 41105

28 CFR

44 40247

29 CFR

870 40660
1910 37650
2676 40551

Proposed Rules:
507 37175
2510 36750
2617 36750

30 CFR

913 37011
914 37013–37016
920 37839
946 37153

Proposed Rules:
740 38175
761 38175
772 38175
784 40286
817 40286
914 ..... 37868, 37869
931 ..... 37051, 37870
935 37871
944 41314
950 37873

31 CFR

17 40781
535 40552
550 37156

32 CFR

295 37873
552 37130
626 37019
627 37019
706 37284
1904 41457
1905 41458

Proposed Rules:
199 41496

33 CFR

1 41392
100 40553
110 40360
117 ..... 37474, 38072, 40418, 41283, 41460–41462
161 37475
165 ..... 37851, 37852, 40250, 40251, 40360, 41284

Proposed Rules:
Ch. II 40446
100 37886
110 38093
117 ..... 40420, 41498
161 ..... 36910, 40946
165 37052
334 41500

34 CFR

347 40194

Proposed Rules:
300 41266

35 CFR

251 40554
253 40554

36 CFR

7 37158
1191 38174

Proposed Rules:
13 37262

37 CFR

201 38340

Proposed Rules:
1 ..... 37321, 40660
10 ..... 37321, 40660

38 CFR

36 ..... 40556, 40792

Proposed Rules:
3 40661
4 37053

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202-523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-275-3030).

H.R. 904/Pub. L. 102-98

African American History Landmark Theme Study Act. (Aug. 17, 1991; 105 Stat. 485; 2 pages) Price: $1.00

H.R. 991/Pub. L. 102-99

Defense Production Act Extension and Amendments of 1991. (Aug. 17, 1991; 105 Stat. 487; 4 pages) Price: $1.00

H.R. 1006/Pub. L. 102-100

Federal Maritime Commission Authorization Act of 1991. (Aug. 17, 1991; 105 Stat. 491; 2 pages) Price: $1.00

H.R. 1143/Pub. L. 102-101

To authorize a study of nationally significant places in American labor history. (Aug. 17, 1991; 105 Stat. 493; 2 pages) Price: $1.00

H.R. 2123/Pub. L. 102-102

District of Columbia Budgetary Efficiency Act of 1991. (Aug. 17, 1991; 105 Stat. 495; 2 pages) Price: $1.00

H.R. 2313/Pub. L. 102-103

To amend the School Dropout Demonstration Assistance Act of 1988 to extend authorization of appropriations through fiscal year 1993, and for other purposes. (Aug. 17, 1991; 105 Stat. 497; 13 pages) Price: $1.00

H.R. 2427/Pub. L. 102-104

Energy and Water Development Appropriations Act, 1992. (Aug. 17, 1991; 105 Stat. 510; 27 pages) Price: $1.00

H.R. 2968/Pub. L. 102-105

To waive the period of Congressional review for certain District of Columbia

acts. (Aug. 17, 1991; 105 Stat. 537; 2 pages) Price: $1.00

H.R. 2969/Pub. L. 102-106

District of Columbia Emergency Deficit Reduction Act of 1991. (Aug. 17, 1991; 105 Stat. 539; 2 pages) Price: $1.00

H.R. 3201/Pub. L. 102-107

Emergency Unemployment Compensation Act of 1991. (Aug. 17, 1991; 105 Stat. 541; 8 pages) Price: $1.00

S. 1608/Pub. L. 102-108

To make Technical Amendments to the Nutrition Information and Labeling Act, and for other purposes. (Aug. 17, 1991; 105 Stat. 549; 2 pages) Price: $1.00

Last List August 21, 1991